

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE FIRST
MONDAY IN DECEMBER, 1844:

WITH AN INDEX,

PREPARED BY THE SECRETARY OF STATE.

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1845.

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

TUSCALOOSA, MONDAY, DECEMBER 2d, 1844.

On this day the second day of December, in the year of our Lord one thousand eight hundred and forty-four, being the day fixed by law for the meeting of the General Assembly of the State of Alabama: the following members of the House of Representatives, appeared in the Hall of the House of Representatives, in the city of Tuscaloosa, were qualified and took their seats, to wit:

FROM THE COUNTY OF AUTAUGA—C. M. Jackson, John Steele.

BALDWIN—Gerald B. Hall.

BARBOUR—P. H. Mitchell, B. F. Treadwell.

BENTON—Wm. Young, Spartan Allen.

BIBB—B. L. Dufreese, R. Morrison.

BUTLER—Thomas H. Watts, Joseph Rhodes.

BLOUNT—Enoch Aldridge, Aquilla Jones.

CHAMBERS—Ward Hill, Nathaniel Grady.

CHEROKEE—Win. H. Garrett, Thomas B. Cooper.

COOSA—Howell Rose.

COVINGTON—George A. Snowden.

DALLAS—Wm. B. King.

DALE AND COFFEE—J. Merrick.

DE KALB—Wm. O. Winston, B. R. Webb.

**FAYETTE**—Alvis Davis, Wm. W. Bell.  
**FRANKLIN**—Felix G. Norman.  
**GREENE**—P. W. Kittrell, J. Croom, George G. Perrine.  
**HENRY**—Moses K. Speight, Wm. Gamble.  
**JACKSON**—Robert T. Scott, James Williams, Moses Maples, W. R. Cobb.  
**JEFFERSON**—Wm. S. Mudd, O. Spencer.  
**LAWRENCE**—L. Pope Walker, F. H. Jones, C. C. Gewin.  
**LAUDERDALE**—J. R. Alexander, H. D. Smith, W. Baugh.  
**LIMESTONE**—Nathaniel Davis, Egbert J. Jones.  
**LOWNDES**—Edward H. Cook, Thomas J. Judge.  
**MACON**—Nathaniel J. Scott.  
**MADISON**—C. C. Clay, Jr., James W. McClung, Jeremiah Clemens, Wm. Brandon.  
**MARENGO**—Washington M. Smith, S. J. Harris.  
**MARION**—Leroy Kennedy.  
**MARSHALL**—James Fletcher, Edmund Hays.  
**MOBILE**—Wm. D. Dunn.  
**MONROE**—John Morrisett.  
**MORGAN**—Wm. W. Roby, Aaron Perry, Jr.  
**MONTGOMERY**—R. C. Bunting.  
**PERRY**—Columbus W. Lea, Wm. S. Miree, Andrew B. Moore.  
**PICKENS**—Thomas J. Clarke, J. D. Johnson, Henry Stith.  
**PIKE**—H. Hobdy.  
**RANDOLPH**—James H. Allen.  
**RUSSELL**—Wm. Barnett.  
**ST. CLAIR**—J. M. Edwards.  
**SHELBY**—Wm. M. Kidd, John S. Storrs.  
**SUMTER**—Wm. Woodward, S. W. Inge, Wm. J. Patton.  
**TALLADEGA**—F. W. Bowdon, D. A. Griffin.  
**TUSCALOOSA**—Wm. P. Meriwether, Peter Martin, Robert Jamison, Jr., Jabez Mitchell.  
**WALKER**—L. W. Baker.  
**WILCOX**—Thomas K. Beck, L. W. Mason.

On motion of Mr. Scott of Jackson, Mr. McClung was called to the chair; and on motion of Mr. Jamison, Joseph Phelan was appointed Clerk, *pro tem*.

The House then proceeded to the election of a Speaker—

*Andrew B. Moore* of Perry, and *Robert Jamison, Jr.*, of Tuscaloosa, being in nomination:

Those who voted for *Mr. Moore*, are—messrs Aldridge, Alexander, Allen of B., Allen of R., Baugh, Beck, Bell, Bowdon, Brandon, Clay, Clemens, Cobb, Davis of F., Davis of L., Dufreese, Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Inge, Jones of B., Jones of Lawrence, Jones of Limestone, Kennedy, Lea, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B., Morrison, Norman, Patton, Perry, Rhodes, Roby, Rose, Scott of J., Smith of

**L., Speight, Spencer, Steele, Stith, Treadwell, Walker, Webb, Williams of J., Winston, Woodward and Young.**

Those who voted for *Mr. Jemison*, are—messrs. **Baker, Barnett, Bunting, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Johnson, Judge, Kidd, King, Kittrell, Mason, Mitchell of T., Morrisett, Mudd, Perrine, Scott of Macon, Smith of M., Snowden, Storrs and Watts of Butler.**

*Mr. Moore* having received a majority of all the votes given, Mr. Chairman declared him duly and constitutionally elected Speaker of the House of Representatives for the present session; he was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of Principal Clerk.

*Joseph Phelan* alone being in nomination, and he having received eighty-two votes, being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Principal Clerk of the House of Representatives for the present session; he was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Assistant Clerk.

*Alexander B. Clitherall, John D. Griffin, John T. Brown and John Nichols*, being in nomination.

Those who voted for *Mr. Clitherall*, are—messrs. Speaker, Baker, Bangh, Beck, Bell, Brandon, Clarke, Clay, Clemens, Cobb, Cooper, Croom, Davis of F., Fletcher, Gamble, Garrett, Gwin, Hobdy, Inge, Jackson, Jemison, Johnson, Jones of Lawrence, Jones of Limestone, Kennedy, Kittrell, Maples, Martin, McClung, Meriwether, Miree, Mitchell of F., Morrisett, Norman, Patton, Perry, Roby, Rose, Smith of L., Smith of M., Snowden, Speight, Steele, Stith, Treadwell, Walker, Webb, Williams of J., Winston and Woodward—59.

Those who voted for *Mr. Griffin*, are—messrs. Alexander, Allen of B., Aden of R., Bowlen, Griffin, King, Scott of J., and Young—10.

Those who voted for *Mr. Nichols*, are—messrs. Barnett, Bunting, Cook, Dufosse, Dunn, Grady, Hall, Harris, Hays, Hill, Judge, Kidd, Lea, Mason, Mitchell of F., Morrison, Perrine, Rhodes, Scott of M., Storrs and Watts of Butler.—21.

Those who voted for *Mr. Brown*, are—messrs. Aldridge, Edwards, Jones of Blount, Mudd and Spencer.—6.

*Mr. Clitherall*, having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Assistant Clerk for the present session; he was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Engrossing Clerk.

*Wilson C. Bibb* alone being in nomination, and having received eighty-three votes, being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Engrossing Clerk for the present session; he was qualified and entered upon his office.

The House proceeded then to the election of Doorkeeper.

Messrs. *James H. Owen, Benjamin A. Vanpelt, James W. Francis*, and *Joseph Mitchell*, being in nomination:

Those who voted for *Mr. Owen*, are—Messrs. Barnett, Brandon, Bunting, Clarke, Cooper, Croom, Davis of F., Davis of L., Dunn, Gamble, Hall, Harris, Hobdy, Inge, Jackson, Jemison, Johnson, Judge, Kennedy, Kidd, King, Kittrell, Martin, Mason, Meriwether, Mizer, Mitchell of B., Morrisett, Modd, Patton, Perrine, Perry, Rhodes, Rose, Scott of M., Spencer, Steele, Stith, Storrs, Treadwell, Watts of B. and Woodward.

Those who voted for *Mr. Francis*, are—Messrs. Alexander, Baugh, Beck, Clay, Gewin, Jones of Lawrence, Jones of Limestone, McClung, Mitchell of T., Norman, Roby, Scott of J. and Walker.

Those who voted for *Mr. Vanpelt*, are—Messrs. Aldridge, Allen of B., Allen of R., Baker, Cobb, Edwards, Fletcher, Garrett, Hays, Jones of Blount, Maples, Speight, Webb, Williams of J., Winston and Young.

Those who voted for *Mr. Mitchell*, are—Messrs. Speaker, Bell, Bowdon, Cooper, Dufresne, Grady, Griffin, Hill, Lea, Merrick, Morrison, Smith of M. and Snowden.

Neither of the candidates having received a majority of the whole number of votes given, the House proceeded to vote a second time.

Those who voted for *Mr. Vanpelt*, are—Messrs. Speaker, Aldridge, Allen of B., Allen of R., Baker, Clay, Cobb, Edwards, Fletcher, Garrett, Hays, Jones of Blount, Maples, Roby, Speight, Walker, Webb, Williams of J., Winston and Young.

Those who voted for *Mr. Francis*, are—messrs. Alexander, Baugh, Beck, Clemens, Gewin, Griffin, Jones of Lawrence, Jones of Limestone, McClung, Mitchell of T., Norman, Scott of Jackson and Smith of Lauderdale.

Those who voted for *Mr. Mitchell*, are—messrs. Bell, Bowdon, Cooper, Dufresne, Hill, Lea, Merrick, Morrison and Smith of M.

Those who voted for *Mr. Owen*, are—messrs. Barnett, Brandon, Bunting, Clarke, Cook, Croom, Davis of F., Davis of L., Dunn, Gamble, Grady, Hall, Harris, Hobdy, Inge, Jackson, Jemison, Johnson, Judge, Kennedy, King, Kittrell, Martin, Mason, Meriwether, Mizer, Mitchell of B., Morrisett, Modd, Patton, Perrine, Perry, Rhodes, Rose, Scott of Macon, Snowden, Spencer, Steele, Stith, Storrs, Treadwell, Watts of B. and Woodward.

*Mr. Owen* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Doorkeeper for the present session; he was qualified, and entered upon the duties of his office.

Mr. Clay offered the following resolution:

*Resolved*, That the Clerk inform the Senate that this House is now organized, having elected the Hon. *Andrew B. Moore*, Speaker, *Joseph Phelan*, Principal Clerk, *Alexander B. Clitherall*, Assistant Clerk, *Wilson C. Bibb*, Engraving Clerk, and *James H. Owen*, Doorkeeper, and is now ready to proceed to business; which was adopted.

On motion of Mr. McClung,

*Resolved*, That a committee of seven persons be appointed by the

Speaker, to draft rules and regulations for the government of this House; and that the rules adopted and printed at the commencement of the last session, be hereby adopted until suspended by the action of the House on the report of the committee hereby ordered.

Whereupon, messrs. McClung, Dunn, Winston, Walker, Martin, Watts and Lea, were appointed said committee.

Message from the Senate, by Mr. Hill:

Mr. Speaker—I am instructed by the Senate to inform your honorable body, that they have organized by electing the Hon. *Nathaniel Terry*, of Limestone, President, *Pleasant Hill*, Secretary, *J. Fenner Marrast*, Assistant Secretary, and *Armstead R. Thomas*, Doorkeeper, and are now ready to proceed to business.

Mr. Aldridge offered the following resolution:

*Resolved*, That on the reception of messages from the Senate, this House will immediately proceed to consider the same, or so soon thereafter as the business then before the House is disposed of.

On motion of Mr. McClung, the resolution was laid on the table, and the House adjourned until to-morrow morning, ten o'clock.

DECEMBER 3, 1844.

House met pursuant to adjournment.

Lewis D. Jones, a representative from the county of Benton:

P. Phillips, Daniel Chandler, and Joseph Seawell, representatives from the county of Mobile:

W. B. Howard, a representative from the county of Monroe:

John W. Portis, a representative from the county of Clarke:

And Thomas McC. Prince, a representative from the county of Washington:

Appeared in the Hall of the House, were qualified and took their seats.

On motion of Mr. Clemens,

*Resolved*, That a committee be appointed on the part of the House, to act with such committee as may be appointed on the part of the Senate, to wait upon His Excellency the Governor, and inform him that the two Houses are now organized, and ready to receive any communication His Excellency may desire to make.

Whereupon, messrs. Clemens, Rose and Woodward, were appointed said committee.

On motion of Mr. Miree,

*Resolved*, That the following standing committees be appointed by the Chair, to wit:

A Committee on the Judiciary:

“ on Ways and Means:

“ on the State Bank and Branches:

“ on Privileges and Elections:

“ on the Military:

**A Committee on Internal Improvement :**

- “ on Education :
- “ on Propositions and Grievances
- “ on Agriculture :
- “ on Accounts :
- “ on State Printing :
- “ on County Boundaries :
- “ on Divorce and Alimony :
- “ on Enrolled bills :
- “ on Roads, Bridges and Ferries :
- “ on the State Capitol :
- “ on Corporations :
- “ on Federal Relations :
- “ on the Penitentiary.

Mr. Aldridge moved to amend, by adding a committee on **Retrenchment**; which was lost.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senatè has appointed messrs. Fleming, Hudson and Dougherty, a committee on the part of the Senate, to act with a like committee on the part of the House, to wait on His Excellency the Governor, and inform him that the two Houses are organized, and are ready to receive any communication he may have to make.

Mr. Clay presented the petition of sundry citizens of Madison and adjoining counties in relation to a communication between the waters of Tennessee River and Mobile Bay; which was referred to a select committee, consisting of Messrs. Clay, Winston, Chandler, Jackson, Rose, Young, Aldridge, Dufreese and King.

Mr. Clay also presented a petition from sundry citizens of the town of Huntsville, praying an amendment of the charter of said town; which was referred to the delegation from Madison.

Mr. Fletcher presented the petition of sundry citizens of Marshall county in behalf of Jesse Cheek of said county; which was referred to the committee on propositions and grievances.

Mr. Clemens from the committee appointed to wait upon the Governor, reported that his Excellency would make his annual communication this day at eleven o'clock.

On motion of Mr. Martin,

*Resolved*, That the newspaper reporters be admitted within the Bar of the House.

Mr. Speaker laid before the House records of divorce in the cases of Mary C. King from Stephen R. King, George W. Culver, from Sannah Culver; and Benjamin Stephens from Livinia Stephens; which was referred to the committee on divorces and alimony.

Mr. Phillips offered the following resolution :

*Resolved*, That the House, the Senate concurring, will proceed on Saturday next at the hour of twelve o'clock, to elect a Senator of the United

**States for the unexpired term of the Hon. William R. King; which was adopted.**

Mr. Bell offered the following resolutions :

*Resolved*, That this House invite the regular Clergy of the respective denominations of this City, to act in rotation as Chaplain every morning during the present Session.

Mr. Williams of J. moved to lay the resolutions on the table, which was lost. Yeas, 43—Nays 43.

**YEAS**—Messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Baugh, Beck, Brandon, Clark, Clay, Clemens, Cobb, Dufreese; Fletcher, Gamble, Garrett, Griffin, Hays, Hill, Hobdy, Jackson, Jones of Benton, Jones of Blount, Kennedy, Maples, McClung, Miree, Morrisett, Morrison, Merrick, Perry, Phillips, Roby, Snowden, Speight, Spencer, Treadwell, Watts of B. Williams of J. Winston, Woodward and Young.

**NAYS**—Messrs. Allen of B. Barnett, Bell, Bowdon, Bunting, Chandler, Cook, Cooper, Croom, Davis of F. Edwards, Gewin, Grady, Hall, Harris, Howard, Inge, Johnson, Jones of Lawrence, Jones of Limestone, Judge, King, Kittrell, Lea, Martin, Mason, Meriwether, Mitchell of T. Norman, Patton, Perrine, Portis, Prince, Rhodes, Scott of M. Seawell, Smith of L. Smith of M. Steele, Stith, Storrs, Walker and Webb.

Mr. Jackson of A. moved to amend as follows :

Strike out all after the word *Resolved* and insert,

That Clergymen of the different denominations in this City, be invited in rotation to open the proceedings of this House by prayer on each Monday morning, and to perform divine service in the Capitol on each Sabbath, during the continuance of the present Session; which was lost.

The question recurred on the adoption of the Resolution, and was lost. Yeas 41—Nays 50.

**YEAS**—Messrs. Allen of B. Barnett, Bell, Bunting, Chandler, Cook, Cooper, Croom, Davis of F. Dunn, Gewin, Gamble, Grady, Hall, Harris, Howard, Inge, Jones of Lawrence, Jones of Limestone, Judge, Kidd, King, Kittrell, Lea, Martin, Mason, Mitchell of T. Norman, Patton, Perrine, Portis, Rhodes, Roby, Scott of M. Seawell, Smith of L. Smith of M. Stith, Storrs, Walker and Webb.

**NAYS**—Messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Baugh, Beck, Bowdon, Brandon, Clarke, Clay, Clemens, Cobb, Davis of L. Dufreese, Edwards, Fletcher, Garrett, Griffin, Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Kennedy, Maples, McClung, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Perry, Phillips, Rose, Scott of J. Snowden, Speight, Spencer, Steele, Treadwell, Watts of B. Williams of J. Winston, Woodward and Young.

Mr. Garrett, Secretary of State, delivered to the House the following communication from the Governor, it being his annual Message:

**EXECUTIVE DEPARTMENT**  
**TUSCALOOSA, DECEMBER 3D, 1844.**

*Gentlemen of the Senate  
and of the House of Representatives :*

You have been convened by the operation of law, to discharge the responsible trusts, which have been delegated to you by your constituents. To enact laws for the government of the people, and to protect and guard the interest of the State, are duties rarely exempt from responsibilities and embarrassment, and which are not unfrequently enhanced by previous legislation, founded on theories which have utterly failed in practice. The deranged state of our finances, caused mainly by an injudicious system of banking upon borrowed capital, and the consequent load of public debt incurred by the State, has heretofore produced, as was naturally to be expected, a deep and even painful apprehension in the public mind. That many of these apprehensions have, to some considerable extent, been justly quieted by the judicious and salutary action of the two last Legislatures, I am gratified to believe. In addressing you therefore, as the legally constituted and organized representatives of a free people, I renew my congratulations at the comparatively favorable auspices, under which you have just assembled. Much however, remains yet to be done, by your honorable bodies, to put the State upon that firm and stable basis, in discharging her public debt, both on account of her own character and credit, as well as that of her patriotic citizens. In performing that duty, I am satisfied that none, but a favorable response, will be heard from your constituents; and no reward is more ample, or can better compensate a public servant than the reflection that he has been sustained by his constituents, in having faithfully discharged a high public trust committed to his charge.

During the past season, our people have enjoyed their usual portion of health, and under the smiles of a beneficent Providence, the soil has yielded a fair reward for the labor and toil of our citizens. For which blessings, and all others we enjoy, we should acknowledge our unfeigned gratitude to the Author and Bestower of these, as well as every other earthly good.

In pursuance of the ninth Section of an act, to regulate the State Bank, and for other purposes, approved fourteenth February, one thousand eight hundred and forty-three, and an explanatory act thereto, approved twenty-sixth December, one thousand eight hundred and forty-three; I prepared and delivered to the President of the State Bank: shortly after your last adjournment, the new State Bonds contemplated in those acts, to be substituted for the State Bonds falling due the present year. At an early period thereafter, and in ample time to be substituted at or before the maturity of the old Bonds, that officer placed those prepared by this Department, in the hands of an Agent, in the city of New York, who was to effect the exchange. The last advices of the



Agent to the officer charged with the duty of superintending the extension, represent, that a large portion of the new Bonds, had been substituted for the old ones, and before this, the same result must, I presume, have been accomplished with the balance.

I must again bring to your notice the debt, justly due, from the Federal Government to the State, amounting to between one and two hundred thousand dollars; moneys paid for liabilities incurred during the late Creek Indian hostilities. The sum thus advanced by the State, should have been paid by the United States Government, and I am satisfied that the claim now insisted on, is justly due from that government to the State. Although the whole amount claimed, may not perhaps be established by the requisite vouchers, yet a large portion of it very probably would be by engaging the services of an efficient Agent, with power to adjust it, agreeably to the provisions of an Act of Congress, for the settlement of the claim, approved sixteenth August, one thousand eight hundred and forty-two. If therefore, the State is averse to incurring any additional expense in obtaining what I entertain no doubt is justly due her: the General Assembly had better authorize some competent Agent to adjust the claim, and allow him a reasonable compensation, on the amount collected. The subject, however, I submit to the wisdom of your Honorable bodies.

In conformity with the provisions of the ninth and tenth sections of the third article of the Constitution, it will become the duty of the General Assembly, at the present session, to fix by law, the whole number of Senators, and to divide the State into the same number of districts, and to fix also the number of Representatives, and apportion them among the several counties in the State.

That portion of the Real Estate belonging to the Branch of the State Bank at Mobile, which had been valued, and advertised for sale, previous to the last session, was offered for sale in the month of April last, that being the time to which I postponed the sale, agreeably to the power vested in me by certain joint resolutions of the General Assembly, approved, twenty third December, one thousand eight hundred and forty three. The property thus offered, were lots situated in the city of Mobile, and those sold, brought the sum of two hundred and nine thousand three hundred and seventy six dollars and fifty cents. A very considerable number of the lots could not be sold, for the want of purchasers. The Real Estate belonging to the same Branch, lying in the counties of Coosa, Tallapoosa, Montgomery, Mobile and Baldwin, has been valued during the present year, and has been advertised to be sold, in the counties in which the lands are situated, in the month of January next, except that in Baldwin, which will be sold, with that situated in Mobile, on the first Monday in March.

All the Real Estate owned by the Branch Bank at Montgomery, has been valued, and was advertised to be sold in the months of October and November last, but as yet I have not been informed of the result of the sales.

Part of the Real Estate belonging to the Branch Bank at Decatur, was also valued and offered for sale last year, and that sold, brought the sum of eight thousand one hundred and fourteen dollars. A large portion of that offered, however, was not sold for the want of purchasers. The Real Estate held by that Bank, lying in Franklin county, which was returned valued, will be offered for sale, in the town of Tusculum, on the first Monday in January next. The President and Directors of the Huntsville Branch, have not as yet advised the offering for sale, any lands, held by that Branch; and no part of the Real Estate, owned by that Bank has consequently been brought into market. A part of the Real Estate owned by the Decatur Branch, I understand lies in the State of Mississippi, and I am not informed whether the valuation of all the lands, belonging to that Branch, has yet been completed. A very large portion of the Real Estate, held by, the Branch Bank at Mobile, is situated in Mississippi and Louisiana, the valuation of which, I understand, has not been completed. The lands belonging to that Branch being situated so remote from the Bank, both those in this State, as well as those in Mississippi and Louisiana, has rendered it very difficult to procure the services of competent commissioners. The vast extent of territory, over which it is necessary to travel, to enable them to examine the lands, and the small compensation allowed for their services, disincline competent individuals, to take upon themselves, the discharge of the duties required of commissioners. I recommend, therefore, that the compensation allowed commissioners for valuing Real Estate, owned by the Banks, situated out of the State, be increased to such an amount, as your wisdom may think just.

There is no provision made for disposing of the Real Estate owned by the Banks; which has been offered for sale, and not sold; unless all the forms and requirements of the first sales are observed in offering it for sale a second time, and such a proceeding is not only tedious and expensive, but I consider wholly unnecessary. I recommend, that in all cases, where Real Estate held by any of the Banks has been offered, and not sold, the President and Directors be authorized to dispose of it on the best terms practicable; requiring in all cases three-fourths of the amount for which it was valued, and the same terms of payment as now required by law at public sales of such property, owned by the Banks, unless two or more persons desire to purchase the same property, in which event it should be sold to the highest bidder.

In many counties I understand, State, County, and in some instances, corporation taxes are assessed and collected, on the Real Estate, owned by the Banks. The money arising from the sales of these lands is to be applied to the payment of our State debt, which should, of course, exempt it from every species of taxation; and I recommend the passage of a law fully exempting all the Real Estate, held by the State Banks from taxation of every kind.

How to separate from the Banks the money arising from the sale of the sixteenth sections, and to safely invest the funds when thus separated, are questions not altogether free from embarrassment. The liquidation and final settlement of all matters connected with the Banks, if

not disposed of now, with at no very remote period, render legislation on the subject of the school funds imperative. The lands from which that fund has accrued, were placed under the control and guardianship of the General Assembly; not only for the present generation, but for the benefit also, of those who are to succeed us. Too much prudence and caution therefore, cannot be observed, in making a disposition of that fund, so as to preserve inviolate the principal. The interest or profits arising therefrom, are all the present generation have a right to enjoy. The amount of that debt, now on deposit is certainly a debt against the State, as much so as any other State liability. To pay the whole amount of that fund now held by the Banks, to the commissioners of the several townships, I am satisfied, would be extremely hazardous, and would greatly jeopardize its safety. That the funds committed to the custody and control of the commissioners, would, in many instances, be safely kept, and judiciously managed, I have but little doubt. But that a total loss would be the inevitable result, with no inconsiderable amount of the fund thus disposed of, I am equally well assured. Another obstacle, in disposing of that fund in this form, is the want of means on the part of the State to discharge the liability, she has thus incurred, consistently with her equally sacred obligations to pay the interest annually accruing on her State bonds. The redeemed depreciated Bank bills, cannot be regarded as means to pay the amount due, on the sixteenth section school fund debt. To return again to circulation, the large amount due on that debt, in the bills of the Banks, which every one has been so ardently desirous to see disappear entirely from circulation, would be an experiment upon the means and patience of the community, that I am sure would receive but little favor at their hands. I therefore renew the recommendation which I had the honor to make to the last Legislature, that a certificate of State stock be issued to each township, for the amount due on deposit, at a reasonable interest for such a period as your wisdom may think best, renewable at the pleasure of the State, and that the interest annually accruing on the amount of stock to each township, be appropriated to the purposes of education therein. I recommend also, that the amount expended of the sixteenth section school fund in each township, be annually reported to some department of the State government, so as to enable the General Assembly more fully to learn the amount as well the manner of the application of that fund.

In pursuance of certain joint resolutions of the General Assembly, approved, fourteenth of February, one thousand eight hundred and forty-three,—declaring illegal all allowances and appropriations made by the Branch of the State Bank at Mobile, during the session of the Legislature, at which they were adopted, I ordered suits to be instituted for the recovery of the money as directed in the resolutions. Some of the suits thus ordered, were tried at the last Spring Term of the Circuit Court of Mobile county, and judgment rendered in favor of the defendants. The high source from which I had been instructed to direct those suits, and the amounts, as well as the principles involved in their determination, made it my duty, as I conceived, to have the questions decided in the Circuit Court reviewed and finally determined in the highest judicial

tribunal of the State. I accordingly instructed the Attorneys who were charged with their management in the Circuit Court, to remove the causes in the usual form to the Supreme Court; and at the last term of that Court they were fully argued, the judgment of the Court below reversed, and the right of the Bank to recover a large portion of the allowances and appropriations, declared illegal by the resolutions, fully established. P. Phillips, Esq., aided the Bank Attorney, in the management of the suits in the Circuit Court, and had the entire control of them in the Supreme Court. He has rendered important services in those suits in both Courts, for which I recommend the General Assembly, to allow him a just compensation.

The compensation allowed the President and Directors of the Branch Bank at Mobile, I regard as decidedly too low for the duties they have to perform. When we consider the expense of living in that city, the daily labor that they have necessarily to perform, in attending to the business of the institution; the large amount of unsettled, confused and deranged business of the Bank, and the great necessity of obtaining the services of gentlemen of acknowledged business qualifications; I think it will be but observing true economy in fixing the salaries sufficiently high to command the services of such individuals as may be in every way qualified for the discharge of those duties. The salary of the Cashier of that Bank, I think also too low. I therefore recommend, that the salaries of the President, Directors and Cashier, be increased to such sum as your wisdom may think reasonable and just.

Our State Prison is entitled to, and I am satisfied, will share a portion of your attention. The system has but very recently been adopted by the State, and there likely will be no period of its future existence, when it will require more of the fostering care of the General Assembly than at its commencement. On the fourteenth of October last, the row of wooden work-shops on the south side of the prison, connected with the tan-yard, was destroyed by fire. The inspectors made an investigation, with a view to learn the source from which the fire proceeded, but have been unable to ascertain the cause. So far as I have been able to learn, the officers are all exempt from any charge of negligence. The probable loss to the Institution will be made known to you by the Board of Inspectors in their annual report. I think that there should be more checks in the manner of keeping accounts, in the purchase of articles, and the sale of those manufactured, as well as in the receipt and disbursements of money, than would now seem to be required by law, or are practised at the Institution; and I recommend the passage of an act, requiring books to be kept by different departments in the prison, and in such form that one set will be a check and control upon the other.

On the fifteenth day of February last, the former Warden drew from the Branch Bank at Montgomery, the eight thousand dollars appropriated by the last Legislature, for the support of the Penitentiary for the current year; and applied the money as I am informed, to the payment of debts previously existing against the institution. When the present incumbent, therefore, entered upon the discharge of his duties, he found himself destitute of funds to purchase materials to give employment, as

well as support to the convicts. The condition in which the Penitentiary was thus brought to my notice, caused me no little embarrassment as to the course best to be pursued. I could see no course presenting fewer difficulties, than to purchase on a credit such materials as might be essential to give employment to the convicts, as well as food, clothing, &c., for their support. In the mean time, I deemed it prudent to advance as much as could be spared out of the contingent fund. I accordingly paid over to the Warden one thousand dollars out of that fund, and instructed him to purchase the necessary raw materials, and other necessary articles which might be required at the prison, on a credit, under the control and sanction of the Inspectors. In this manner the prison has been supported for the present year. I am satisfied that such portion of the accounts of the current year, as may be avouched by the Warden and Inspectors, will be found to be just, and the General Assembly will, I trust, provide for their payment.

I do not believe that as the law now exists, the Warden or the Inspectors, or both together, have the right to create debts against the Penitentiary. Debts thus created, although not so in form, can be regarded in no other light than as due from the State. The right thus to bind the State, would be an alarming power to delegate to any one individual, or set of men, no matter how exalted or how pure. I understand, however, the practice has been heretofore, to contract debts against the Penitentiary for articles purchased; and I recommend, that in future, it be expressly prohibited by law. The custom has been, and to some considerable extent is now, to sell articles which have been manufactured at the prison on a credit. I consider the whole system of credits in a State Prison decidedly wrong, in whatever form it may be practiced. The cash system, at prices sufficiently low to insure ready sales of all articles manufactured, I regard as the true system in an institution like ours, and I recommend its adoption.

During the present year I have occasionally visited the Penitentiary, and on the twenty-eighth of October, made the annual visit required by law. The convicts, with but very few exceptions, seem to have enjoyed good health; and the interior of the prison, except the scene of the recent burning, presented the appearance of neatness and order. I am satisfied, however, that important modifications must be made in the laws and rules by which the prison is now governed; requiring a more implicit obedience on the part of the convicts, as well as a more rigid discipline in the government of the institution, before it will fully realize the just expectations of the people of the State.

Estimates of the probable amount which will be required for the support of the Penitentiary for the ensuing year, will be found in the report of the inspectors, which will shortly be laid before your honorable bodies.

The organization of our Chancery Courts is considered defective in many of its provisions, and as the system now exists, is not satisfactory to either the suitors, the bar, or the people generally. The kind of litigation cognizable in that Court, is most usually, from its nature, sufficientlary, without impeding its progress, as is now done, in having but one

term of the Court during the year. There are also other defects, which I am sure will readily arrest your attention, by a scrutiny of the present system; but which the limits of this communication will not permit me to notice in detail. The importance of this Court, it being the only Court in which relief can be obtained after all common law remedies have failed, will I trust, commend the revision of the Chancery system to the favorable consideration of the General Assembly.

The Huntsville Branch Bank has paid Bonds due in one thousand eight hundred and forty-two, forty-four, and sixty-three, amounting in all to the sum of two hundred and nineteen thousand dollars, which are now on deposit in the State Bank. No provision was made by the General Assembly at their last session for their destruction. It will therefore be the duty of your Honorable bodies, to direct in what way, and by whom they shall be destroyed. A similar provision should also be made for the destruction of the old Bonds falling due this year, and for which the new ones have been substituted.

All the information that will be required in future from the Banks, can be readily furnished I think, by the officers or other agents, and the necessity for the annual appointment of commissioners, has I am well satisfied, ceased to exist. Entertaining this opinion, and being anxious to avoid all unnecessary expense, incident to the management of the Banks, I recommend to your honorable bodies, to repeal the law requiring the appointment of commissioners to examine the State Bank and Branches.

Since you last assembled, I have received from the Secretary of the Treasury of the United States, a standard of weights and measures; and it will be the duty of the General Assembly to direct what disposition is to be made of them.

I must again bring to the notice of the General Assembly, the immense number of special acts of the Legislature, as compared with those of a more general character. The numerous special acts adopted at every session, conferring rights or privileges desired, are perhaps essential in many instances to those who seek them; but I am well satisfied that the same rights or privileges, could be conferred by some general law, without requiring Legislative interference in every instance. Conferring on married women the rights of *feme soles*, and constituting them free dealers, is a power, that could with great propriety, be safely trusted to our Courts of Chancery. Incorporating small towns and villages, commercial and manufacturing companies; establishing toll-gates and ferries, as well as numerous other subjects, purely local and special in their character, have heretofore, engaged no small portion of the time of previous Legislatures, and contributed also, to increase the ordinary expense of legislation. I entertain no doubt that in the time occupied in passing many of the special acts annually published, with which our pamphlet copies abound, some general law could have been perfected delegating to some of the judicial tribunals of the State, all the power which would be necessary to confer any, or all of those rights or privileges. In delegating such powers to any tribunal, the corporate rights or other privileges, as well as the amount of property to be held, should

be restricted within certain limits; and the Legislature should expressly reserve the right to revoke or repeal any charter or privileges, whenever it might be deemed proper to do so. I am satisfied that such a policy by avoiding a great deal of unnecessary legislation, will exempt your honorable bodies from no little labor, and diminish greatly the ordinary expenses of the session.

Another subject worthy of reflection, and which cannot fail to arrest your attention, is the instability and short duration heretofore of many general laws enacted by the Legislature. Laws enacted, and regarded by one Legislature the most wholesome and salutary, after having engaged their deliberate consideration in perfecting them, are not unfrequently repealed by the next General Assembly; and in some instances after so brief an existence, that many were scarcely conscious of their enactment, until after they were repealed. This arises mainly, as I have long since been convinced, from the changes of Representation, growing out of our annual sessions of the General Assembly. No one can yield a greater deference to constitutional law than myself, and I only avow what I really feel, when I say that I have an unaffected reluctance to attempt the change or modification of a fundamental Law. But my convictions long entertained, are so decided in favor of biennial, instead of annual sessions of the General Assembly, that I consider it an imperative duty, to bring the subject to your notice. At the commencement of our State Government, and for a series of years subsequent to that period, the necessity for an annual sessions, may be readily conceived; but that necessity I am entirely convinced, has ceased to exist. The time necessarily intervening between biennial sessions, will afford the people a better opportunity to test the utility and operation of their Laws. Another and by no means inconsiderable inducement to such a change of our Constitution, is the vast saving to the people in avoiding the annual expenses incident to the session.

It cannot have escaped your observation that for the last few years, there has been, and is now, an increasing sentiment in the public mind in favor of this modification in our Constitution. Strengthened in my own convictions by that belief, and believing that the people are anxious to manifest their determination on the subject, I recommend to your Honorable bodies, to propose to the qualified voters in the form required by that instrument, a change of the Constitution, so as to have biennial instead of annual sessions of the General Assembly. No evil or embarrassment, can possibly result in testing in this form, the public mind on the subject. If a majority of the people are opposed to the proposed change, they will in the form prescribed, at once settle the question.

The debt due the Banks, when we consider the amount, is a subject of paramount importance, in the present affairs of the State. With a view, therefore, to afford your Honorable bodies all the information that I could on the outstanding debt, the rate at which it has heretofore been collected, as well as other matters connected with it and the Bank, I deemed it proper to direct interrogatories to each Board of Commission-



ers of the State Banks, with directions to impart all the information that their examinations and researches would enable them to give, and that their answers should form part of their annual report, all of which will be laid before you, I presume, at an early period of the session. The act providing for the extension, of the debt due the State Bank and its several Branches, approved third February, eighteen hundred and forty—authorizing the several Boards of Directors to take twenty per cent. and interest, although not so declared in express words, evidently contemplated the payment of the debts embraced in the act in five years from the period of its adoption : what amount of that debt is still due the Banks, I am not informed, but I presume a considerable portion. A very large number, if not all of the debts thus to be extended, were contracted in eighteen hundred and thirty-seven, and many even before that period, and had run to maturity at the adoption of the act of eighteen hundred and forty, or were to fall due shortly thereafter. Owing no doubt to the then almost unprecedented embarrassment that pervaded the whole country ; and in view of the reduction, in price, of not only our great staple commodity, but of every species of labor, the act of eighteen hundred and forty authorizing the extension of the debts due the Banks, was generally approved by the people. The time thus allowed for the payment of the debt so far as I recollect, was all that was desired, even by the debtors themselves. The whole history of Bank credits rarely presents an instance where more favor and indulgence have ever been given than that heretofore extended, to the debtors of our State Banks.

If the affairs of the State, and the condition of the Banks, would in the least tolerate it, no one would be more willing than myself to see adopted, any system of further indulgence towards the debtors in the collection of the debt. The heavy losses which have befallen the Banks, caused in part by the system of extension heretofore, and their consequent deranged condition, have wisely, as I conceive, induced the State to abandon her whole system of banking. In changing her policy with those institutions, she has, as a matter of necessity, been compelled to resort to heavy exactions, in the form of taxes on the people, to make up losses which are known to have befallen the Banks. When, therefore, the entire portion of her citizens, who never have enjoyed any favor or benefit from the Banks, yield their means to maintain the faith and credit of the State, the appeal comes with more force to those who have enjoyed so much more of their favor. Larger curtailments than have been heretofore exacted from those indebted to the Banks, are required not only by the necessities of the State, but as a means of giving value to, and redeeming the outstanding circulation. Heavier curtailments are also required to enable the State to avail herself of her means, and at the earliest day practicable to apply them as far as they will go, in extinguishing her State debt, and thereby lessening taxation on the people. It is not my design to urge upon the General Assembly, to require the entire Bank debt to be paid forthwith, or during the ensuing year. With all the pressing demands the State has for her means, I am satisfied that such a policy would not be proper. I, however, recommend to the



legislature to fix a definite period when the debt is to be paid, and to require a much larger curtailment annually, than has heretofore been exacted. Both the interest of the State and the yearly expenses incident to the liquidation of the Banks, I am deliberately convinced imperiously require it.

The liquidation and final settlement of our whole Banking system, a subject of justly absorbing interest to the people of the State, and will command, as it evidently merits, a large portion of your deliberations. The awakening cares and anxieties which so generally pervaded the public mind a short time since, from an apprehension that in abandoning our Banking system, the State would be deprived of a circulating medium; although quieted to some extent by the operations of a similar policy in other States, have been at this time I think, finally put to rest, by the large and heavy importation into our State, during the past business season, of a currency, which throughout the whole world is considered the true standard of value. No theory is better established, than that a commodity both valuable and essential to the community, will readily command equivalents for its purchase; and no principle is more perfectly demonstrated in practice, than that the channels of a banished worthless paper circulation, are immediately supplied with a sound and stable metal-currency; and I risk nothing in saying if the outstanding bills of all the Banks of the State, could be annihilated in a moment, the circulation could be supplied with a scarcely perceptible inconvenience, or an inconvenience infinitely less than the evils which the community are daily suffering under the paper system. This has been strikingly illustrated by the large amount of gold and silver imported into this State within the year, mainly for the purchase of our great staple commodity; giving to our citizens not only the soundest possible currency, but effecting a system of exchanges more perfect and more favorable to the State, than ever existed under any modification of both the State Banks and the United States Bank combined.

The system of modern Banking in whatever form it has been practiced, has not only fallen far short of the expectations of its friends, but has weaned from it many of its most ardent votaries, but is in fact fast perishing beneath its own defects, and inherent imperfections. It is such in an eminent degree the actual condition of our State Banking system, unfortunately for the people and the State, is lamentably too true. All attempts, heretofore, to bolster up, and remedy defects supposed to be temporary in their character, and not inherent in the system, have not only failed in the objects intended to be accomplished, but have most uniformly proved disastrous to the interest of the State, and frequently embarrassing to the people. Although many sound opinions were entitled to great respect, more from prudential considerations than a desire to continue or perpetuate the system, dictated the policy of winding up so large a number of our Branch Banks, at the time they were put in liquidation by the action of the General Assembly, at the session of one thousand eight hundred and

forty-two and three, I hesitate not to say that time and subsequent events have dispelled such apprehensions, and fully vindicated the wisdom of the measure.

The total abandonment and final settlement of our whole system Banking at the earliest practicable period, are not only required by the condition of the Banks, but are demanded. I am convinced, as a measure of protection to the State as well as to the people.

The charter of the State Bank will expire by its own limitation, on the first day of January next, and I have no hesitation in saying that every principle of prudence and sound policy, as well as the salutary lessons of the past, strongly admonish us against its renewal. When the patriotism and means of the people have fully responded to the necessary heavy exactions which will be required to make up losses which have befallen the State Bank, in common with all the Branches I am fully persuaded the number will be but few, who would not regard it as a blessing, to be rid of that or any other Banking system whose burthens they have to bear. I therefore recommend that the State Bank and all the Branches, be placed in a state of final liquidation, reserving to each Bank such necessary corporate powers as will enable them to settle, and close their affairs, and that the plates of the Banks be destroyed.

The President and Directors of the State Bank have destroyed by burning, and in the mode required in the several acts of the Legislature, placing all the Branch Banks in liquidation, during the present year, bills of the different Branches, amounting to two million, five hundred and seventy-one thousand and two hundred dollars.

The board of the State Bank, as I am informed, have also destroyed by burning, in the bills of that Bank, the sum of sixty one thousand seven hundred and forty-one dollars.

In adverting to the perplexing subject of our State indebtedness which has commanded so much of my anxious attention since I have been in office, it will be recollected that I have rarely failed in any of my former communications to urge on the General Assembly, the disputable obligation and over ruling moral necessity of preserving the faith of the State inviolate, by a prompt discharge of our pecuniary obligations, as soon as they fall due. That this will be attended with difficulties and sacrifices of the most embarrassing character, I have never failed to acknowledge; but these invariable concomitants of attempts to discharge a deep indebtedness, are not only the strong admonitions to economy in future, but gives to the debtor the only claim to the high morality which so properly attaches in either savage or civilized life, to a rigid compliance with pecuniary obligations. Free people hold not only their honor, but their form of government, their institutions, and all their dearest rights by no other tenure, than their willingness to incur any sacrifice to which human nature can be subjected in maintaining them. Those who will count the cost of sustaining the public faith, subject themselves to the just suspicion of being

equally as calculating in defending the public liberty. The instinct of true patriotism is so nearly allied with the sentiment of national honor, that to destroy the former we have only to lower the tone of the people in maintaining the latter. In fact where the people are the real source of power, the lofty spirit of true patriotism can never survive the loss of individual confidence in the untarnished honor of the government. I have indulged in these reflections from no apprehension that a State like ours, containing within her own limits all the elements calculated to place her in the front rank with her sisters of the confederacy, will ever fail to discharge punctually her public liabilities. I make these remarks merely for the purpose of pointing out the merited censures which are always certain to attach to a people who invoke the just condemnation of the whole civilized world, in failing to maintain untarnished their public faith. That a large portion of the capital and means of the Banks, have been squandered, and are now forever hopelessly gone, none who are the least conversant with their acknowledged condition, will for a moment hesitate to admit. In contemplating the disasters which have thus befallen the State in her Banking institutions, all will readily acquit those of whom we borrowed the money from every participation in its management, or the slightest responsibility in any shape for the loss thus incurred by the State. The bondholders in presenting in this form their just claims, are sustained by facts so stubborn in themselves, and so palpably in their character, as to establish a claim fortified by every legal requisite, which can constitute a legal and obligatory contract, from which a patriotic and moral people can find no release short of entire payment. The debt was created, and the means of the Bank squandered by the present generation; and every principle of honor and justice demand that we should withhold the burthens of a public debt from those who are to succeed us, and who had no agency in its creation. To exhaust the remaining portion of the principal in discharging the interest annually accruing on the bonds, and to postpone the entire debt, or a large portion at least, to be discharged by posterity, would I am very sure be transmitting them an inheritance which would be regarded neither in the light of a favor or a blessing. To prepare then promptly for the extinguishment of our public debt, is required by every principle of honor, justice, and patriotic self-respect.

The Comptroller informs me that he has not yet received full returns of the assessment of taxes from all the counties, and consequently I cannot inform you of the amount of taxes which will be collected the present year. The amount, I am satisfied however, will fall far short of paying the interest which will be due upon our public debt. I therefore recommend that permanent provision be made by your honorable bodies, to raise annually by taxation, a sufficient amount to pay the entire interest on our State debt.

I have been informed by the Secretary of the Treasury of the United States, that the Federal Government has two thousand and

twenty-two dollars and eighty-one cents, of the bills of the State Bank and Branches, on deposit in the Mobile Bank, which he proposes the State shall receive in payment for that amount of the two per cent fund. The bills not having been received by that government in payment of the Public Lands, this department has no authority to receive them in the way proposed. The State however, having agreed to receive in payment of the two per cent fund all the bills of the State Bank and Branches, which should be paid into the Treasury of the United States by her citizens in the purchase of Public Lands, I can see no objection to receiving the bills now on deposit in the Mobile Bank, as proposed by the Secretary of the Treasury. I have thus brought the subject to your notice for such action as your wisdom may deem proper. A copy of the letter of the Secretary of the Treasury on the subject, is herewith submitted.

In my former annual communications to the General Assembly while I have felt myself specially charged by the Constitution, to present my views fully and frankly on all questions of State policy, and in a spirit of great freedom, but with the utmost respect, to accompany those views with suggestions as to the legislation necessary to advance the public interests of our common constituents; I have at all times considered myself not only at liberty, but required as a faithful and vigilant agent of the sovereignty of the State, to present to the consideration of the representatives, my approval or condemnation of such measures of the Federal Government, as from their magnitude I believe greatly to affect the interest or rights of the people of Alabama. To do otherwise would be, not only to betray a culpable indifference to such measures, but in most cases of strongly contested Federal policy to resign to Federal agents, powers never intended to be delegated to them, and which by the express language of the Federal Constitution are reserved to the States respectively, or to the people. Surely no duty can be more imperative on the agents of State authority, than to maintain unimpaired those undelegated powers which they have expressly reserved to themselves. In fact such powers constitute that residuary mass of authority out of which the State Governments are themselves formed, and to concede them unhesitatingly to the Federal government, is nothing short of an abdication of all State government. Under this conception of my official duty, I have distinctly heretofore made known to the General Assembly (the only organized body to declare the sentiments, and speak the will, or to protect the rights individual or aggregate of the people of Alabama,) that I regarded the creation of a National Bank, a Protective Tariff, and schemes for distributing the Federal Revenue among the States, as many violations of the Constitution, calculated not merely in their effect to extend the powers of the Federal government beyond the intention of the States which framed it, but to operate unequally and most oppressively on the people of Alabama.

While these questions are still unsettled by the General Government, and opposite views of their constitutionality are entertained by the parties to the Federal compact, a question of still greater magnitude than all of them as to the propriety of annexing Texas to the Union, has been presented to the consideration of the American people. In estimating the magnitude of this question, I might take no note here of its importance in a pecuniary point of view; I might say nothing of the market which will be created for Northern and Western products; nothing of the rich carrying trade which will be opened to our commercial marine; nothing even of the strong bonds of sympathy which by countless ties of association, of language, of origin, of religion, and of blood, unite the people of Texas to the people of this country. Its great importance to the Southern slave holding States, is, that by adding numbers and territory to the weaker section of the Union, it adds security to institutions already assailed, which nothing but numbers and territory can give.

Annexation, however, whilst it gives peace and security to the South, gives also greatly increased employment to our vast shipping interest, and opens forever a more unrestricted and extended market for the products of the East, North and West, thereby benefiting in a pecuniary point of view, those portions of the Union equally if not more than the South.

In thus frankly avowing the grounds on which I place my estimate of this question, I feel that I take no position of which other sections of the Union can justly complain, and certainly none growing out of a spirit of jealousy or ill-will to the most extended prosperity of every portion of our common country. In fact, I cherish no theory of the Federal Constitution which will permit the Federal government to make war on the institutions of the several States; and I look upon the acquisition of Texas as the more important, under a belief that the instinct of self-preservation will incline her to seek her own safety, not in assailing others, but in making common cause against such assaults.

A scarcely less striking view of the importance of annexation, arises from the consideration that Texas cannot, nor will not much longer, remain in her present position, but that she will be compelled to seek her safety in an alliance with some stronger power. If her proposition to be admitted into the Union be finally rejected, what foresight does it require to see at once that she will at no distant period become in some form closely allied to England, and in that form in which English wealth and commerce can so indisputably impose on her present weak and necessitous condition. Would England be satisfied with Texas? Her whole history teaches us that she would not, but that she would push her territorial acquisitions until she had supplanted the feeble government of Mexico, and made herself the unquestioned proprietor on the West as far as the Pacific, and on the South, to the 18th-

mus of Darien. Again, I might say nothing of the consequences in a commercial point of view, for as important as they are, they sink into nothing as compared with the higher questions of her mastering a continent, by the subjugation successively, of one free State after another, until the whole should be subject to her will. That such will be the policy of Great Britain if she is permitted to grasp the rich boon which we have refused, I entertain the most thorough conviction, and whether or not she is ultimately to succeed, is a question, I am well satisfied, that will have to be settled by the American people. I have deemed it a public duty thus to bring the subject to your notice, for the deliberate expression of such an opinion as to the propriety of annexation, as the wisdom of your honorable bodies may think proper.

The deep solicitude which is so generally felt in the progress of education, and especially in the operations of our University imposes on me the duty of noticing in this communication, the present condition and prospects of that institution.

Since my official connection with the Board of Trustees, I am satisfied they have been governed by a system of rigid economy, and have retrenched in every item of expenditure that was practicable.

The Board at their last session, adopted an ordinance appropriating annually, all the surplus means of the University fund, after defraying the current years expenses, to the payment of the debt owed by the institution, which I trust will in a reasonable time relieve the University from its present heavy embarrassment. In pursuance of that ordinance, nine thousand dollars of the debt was paid early the present year, and the Board indulges the hope that they will be able in a like manner, to pay annually a portion of the debt until it is fully discharged.

Instances of insubordination in such a seminary, under the most favorable circumstances, are at all times to be apprehended, and a single case of the kind has recently occurred, calculated in no small degree unfavorably to affect the character of the University, where its general discipline is less properly appreciated than it is by those who have marked the constant vigilance and energy of the present Faculty. — The facts of the case alluded to will of course be laid before the Board of Trustees, and I allude to it only to express my own convictions in common with what I believe to be the universal sentiment of those acquainted with the transaction, that it was one of those acts of excessive insubordination which often happens in the best institutions of our country, and which I am satisfied no vigilance on the part of the present Faculty could possibly have anticipated or averted. Their duty consisted in applying the proper corrective placed in their hands, and this I doubt not will be made to appear fully to have been done. Notwithstanding similar acts of insubordination to which all institutions are liable, and perhaps more or less so than our own, I cannot

close this notice without expressing the opinion that our University is steadily and progressively realizing the just expectations of the public, in the number of sober, moral, and educated young men it is annually sending forth, into spheres of business and usefulness, throughout the State.

Since the adjournment of your last session, the Hon. William R. King, so long and so favorably regarded as an able and efficient representative of the State of Alabama, in the Senate of the United States, has resigned the remaining portion of his present unexpired Senatorial term. The motives for this resignation of a trust which he has held to the satisfaction of his constituents from the first moment of our State existence, are to be found in his acceptance of the higher, and at present the more important duties of Minister Plenipotentiary to the Court of France; and are consistent alike with the deepest devotion to the service of the State, and to that lofty patriotism which shrinks from no duty which the wants of a common country impose. In obedience to the requirements of the Constitution I have supplied the vacancy so occasioned in the Senate by the appointment of the Hon. Dixon H. Lewis. Vacancies have also occurred since the last adjournment, in the office of Judge of the County Court, in the counties of Lauderdale and Pike; and also in the office of President of the Branch of the State Bank of Montgomery, all of which vacancies have been filled as required by Law. C. E. B. Snodde, Esq., has resigned the office of Solicitor of the seventh Judicial Circuit; having received his resignation only a few days since. I have deemed it proper to leave the vacancy to be filled by the General Assembly.

In conformity with the requirements of the Constitution, I have thus gentlemen, brought to your notice such subjects as in my judgment should be submitted to the consideration of the General Assembly. They are communicated with a firm belief, that if adopted, they will promote the interest and happiness of the people. If however, all, or any portion of the views thus submitted, should not be so regarded by your Honorable bodies, I shall with much pleasure, unite with the General Assembly in perfecting any other measures which their wisdom may suggest, tending as I may believe to promote the interest of the State.

That peace and harmony may characterize your deliberations, and that your labors may equal the just expectations of the people, is my most anxious desire.

BEN. FITZPATRICK.

Mr. Martin, moved to lay the Message on the table and print five thousand copies.

Mr. Smith of L. called for a division of the question; which was first taken on laying on the table, and carried.

The question recurred on ordering the printing of five thousand; which was carried.

A message from the Senate, by Mr. Marrast:

Mr. President—I am instructed to inform your Honorable body, that the Senate has adopted the following resolutions, in which they ask your concurrence:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Wednesday the fourth instant, at the hour of eleven o'clock, A. M. to elect a Judge of the County Court of Jackson County, and a Judge of the County Court of Marshall County.

Mr. Mudd, moved to amend the resolution by adding “and a Judge of the County Court of Jefferson County.”

The amendment was adopted, and the resolution as amended concurred in.

And the House adjourned until to-morrow morning. ten o'clock.

DECEMBER, 4TH, 1844.

The House met pursuant to adjournment.

Mr. Speaker, announced the Standing Committees, as follows:

*On Accounts*—Messrs. Scott of J. Miree, Morrisett, Williams of J. Hill, Allen of B. Hays, Fletcher, and Merrick.

*On the State Bank and Branches*—Messrs. Martin, Seawell, Portis Smith of L. Brandon, Kittrell, Dufreese, Scott of J. and Clarke.

*On Education*—Messrs. Norman, Mudd, Howard, Beck, Croom Inge, Jones of Lawrence, Treadwell, and Webb.

*On Internal Improvement*—Messrs. Dunn, Clay, Winston, Cooper, Hall, Aldridge, Griffin, Bunting, and Cobb.

*On Roads, Bridges, and Ferries*—Messrs. Mitchell of T. Grady, Allen of R. Barnett, Davis of F. Edwards, Snowden, Gewin and Kennedy.

*On Privileges and Elections*,—Messrs. Winston, Alexander, Fletcher, Harris, Hobdy, Jones of B. Jones of C. Morrisett, and Watts of D.

*On the Military*—Messrs. Walker, Jackson, Kidd, Patton, Watts of B. Perry, Young, Speight, and Lausden.

*On Propositions and Grievances*—Messrs. Jackson, Perrine Meriwether, Mason, Maples, Rhodes, Alexander, Baker, and Garrett.

*On Enrolled Bills*—Messrs. Storrs, Bell, Cook, Garrett, Gewin, Grady, Jones of Blount, and Kimbell.

*On County Boundaries*—Messrs. Woodward, Prince, Harris, Miree, Aldridge, Williams of J. Meriwether, Bell and Young.

*On Public Printing*—Messrs. Clay, Bowdon, Inge, Mitchell of B. Cooper, Jones of Limestone, Perrine, Howard, and Spencer.

*On the Penitentiary*—Messrs. Rose, Steele, Roby, Dufreese, Bunting, Davis of L. Patton, Mitchell of T. and Morrisett.

*On Ways and Means*—Messrs. McClung, Jemison, Chandler, Judge, Seawell, Jones of F. Portis, Mitchell of B. and Davis of L.



*On Divorce and Alimony*—Messrs. Lea, Smith of L. Smith of M. Kidd, Jones of F. Vinson, King, Scott of M. and Gamble.

*On the Judiciary*—Messrs. Clemens, Phillips, Martin, Walker, Dunn, Williams of M. Bowdon, Smith of M. and Watts of B.

*On Federal Relations*—Messrs. Phillips, Williams of M. Stith, Chandler, Judge, Lea, Norman, Mudd, and Jemison.

*On Agriculture*—Messrs. Steele, Smith of M. Spencer, Beck, Brandon, Kittrell, Woodward, Hays, and Maples.

*On Corporations*—Messrs. Suth. Portis, Roby, Rose, Jones of L. Cobb, Croom, Davis of F. and Mason.

Mr. A. Kimbell, the representative from the County of Tallapoosa, appeared within the Hall of the House, was qualified and took his seat.

Mr. Speaker laid before the House the Comptroller's annual Report on the Contingent Fund; which was laid on the table and one hundred and fifty copies ordered to be printed.

A message from the Senate, by Mr. Marrast :

Mr. Speaker—The Senate concurs in the amendment of the House to the resolution proposing to elect Judges of the County Courts of Jackson and Marshall Counties.

Mr. Speaker laid before the House sundry records of divorce; which were referred to the committee on divorce and alimony.

Mr. Jackson of A. presented the petition of Robert B. Jones; which was ordered to lay on the table.

Mr. Jackson also introduced a bill for the relief of Alley C. James and her heirs; which was read the first time, and ordered to a second reading.

Mr. Hall presented a petition from sundry citizens of Baldwin County in behalf of certain slaves therein named; which was referred to the committee on propositions and grievances.

Mr. Aldridge presented a petition in relation to certain election precincts in Blount County; which was referred to the committee on privileges and elections.

Mr. Cooper introduced a bill to regulate the compensation of Witnesses.

Mr. Cooper introduced a bill to define the time beyond which bills of exceptions should not be certified and signed.

Mr. Cooper introduced a bill for the relief of securities; and also

A bill declaring Margaret Shegog a free dealer; and for other purposes; which were severally read the first time, and ordered to a second reading.

Mr. Rose presented the petition of sundry citizens of Wetumpka, in relation to the corporate limits of said Town; which was referred to the committee on corporations.

Mr. Winston presented the petition of sundry citizens in relation to the boundary line between the Counties of Jackson and De Kalb; which

was referred to a select committee, consisting of the delegation from the counties of Jackson and De Kalb.

Mr. Davis of F. introduced a bill for the relief of James Levy, and Henry Lowe, of Fayette County; which was read the first time and ordered to second reading.

Mr. Maples presented the petition of A. F. Smith and others; which was referred to the delegation from Jackson.

Mr. Judge presented the petition of R. Merchant, and others, in relation to an election precinct; which was referred to the delegation from Lowndes.

Mr. Smith of M., introduced a bill to establish an election precinct at the store house of Edward B. Walls, in the County of Marengo; which was read first time, and ordered to a second reading.

Mr. Chandler introduced a bill for the final liquidation and settlement of the affairs of the Bank of the State of Alabama, and the several Branches thereof; which was read first and second times forthwith, and.

On motion of Mr. Mitchell of T., referred to the Committee on the State Bank and Branches.

Mr. Phillips presented the petition of Patrick McLoskey; and also the petition of Julia Allain; which were referred to the committee on propositions and grievances.

Mr. Lee introduced a bill to extend the time of the County Court of Perry county; which was read the first and second times forthwith, and referred to the delegation from Perry county.

Mr. Johnson introduced a bill requiring the Clerks of Pickens county to keep reversed indexes of their several books, &c.; which was read the first time, and ordered to a second reading.

Mr. Edwards presented the petition of Hollow and Rhea; which was referred to a select committee consisting of the delegation from the Counties of Cherokee, De Kalb and St. Clair.

Mr. Judge presented the petition of John H. Gee; which was referred to the committee on propositions and grievances.

Mr. Griffin presented the petition of John S. Smith; which was referred to the committee on propositions and grievances.

Mr. Bowdon presented the petition of sundry citizens of Talladega, in relation to a Rail Road from Gunter's Landing to the Coosa river; which was referred to the select committee raised yesterday on the memorial presented by Mr. Clay.

Mr. Bowdon presented the petition of sundry citizens of Talladega county, in regard to the Court House in said county; which was referred to the committee on propositions and grievances.

Mr. Bowdon also presented a petition in relation to a Poor House in Talladega county; which was referred to the committee on propositions and grievances.

Mr. Mason presented the petition of sundry citizens of Wilcox county, in behalf of George W. Ptony; which was referred to the committee on propositions and grievances.

On motion of Mr. Mudd,

*Resolved*, That the Senate be now invited into the Hall of the House, for the purpose of electing a Judge for the County Courts of Jackson, Marshall, and Jefferson.

The Senate repaired to the Hall of the House, and the two houses proceeded first to elect a Judge for the County Court of Jackson county.

*James McGreen* alone being in nomination, and he having received one hundred and twenty votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Jackson county, for the term prescribed by the Constitution.

The two Houses proceeded next to the election of a Judge for the County Court of Marshall county.

*Washington T. Mays* alone being in nomination, and he having received one hundred and twenty votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Marshall county, for the term prescribed by the Constitution.

The two Houses proceeded next to the election of a Judge for the County Court of Jefferson county.

*John E. Forrest* alone being in nomination, and he having received one hundred and eight votes, that being the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Jefferson county, for the term prescribed by the Constitution.

The Senate withdrew.

Mr. Speaker laid before the House the report of the commissioners appointed to examine the Huntsville Bank; which was laid on the table, and two hundred copies ordered to be printed.

Mr. Speaker also laid before the House the report of the President of the Huntsville Bank; which was laid on the table, and two hundred copies ordered to be printed.

Mr. Jemison offered the following resolution:

*Resolved*, That the committee on the State Bank and its Branches, be instructed to have printed for the use of this House, one hundred and fifty copies of the bill referred to said committee this morning, entitled a bill to be entitled "An Act for the final liquidation and settlement of the affairs of the Bank of the State of Alabama and the several Branches thereof."

Mr. Morrisett moved to lay the resolution on the table; which was lost.

Mr. Stith moved to strike out one hundred and fifty copies, and insert two hundred; which was carried, and the resolution as amended adopted.

Mr. McClung from the committee appointed for the purpose, reported rules and regulations for the government of the House; the report was concurred in.

On the motion of **Mr. McClung**,

*Resolved*, That a committee of five persons be appointed to act with such committee as may be appointed on the part of the Senate, to prepare and report rules for the government of each House in interchanging messages, the manner of conducting a joint vote of the two Houses, and regulating committees of conference.

Whereupon, messrs. McClung, Phillips, Rose, Mitchell of B and Norman, were appointed on the part of the House.

Mr. Winston introduced joint resolutions, proposing a change in the Constitution, so as to have biennial sessions of the Legislature: which were read first time and ordered to a second reading.

Mr. Phillips offered the following resolution :

*Resolved*, That the increased production and the diminished prices of the principal staple of this State, admonish us of the propriety of seeking new sources for the employment of labor, and the investment of capital; and that conducive thereto, it be referred to the Committee on Internal Improvement, to report as to the expediency of bringing in a bill to provide for a full and accurate geological survey of this State.

Mr. Martin moved to strike out the words, "Internal Improvement," and insert, "a select committee, to consist of a member from each judicial circuit."

Which was adopted.

And the resolution as amended, adopted.

Whereupon, messrs Phillips, Jackson, Judge, Martin, Jones of Limestone, McClung, Inge, Williams of M. and Bowdon, were appointed said committee.

Mr Lea presented a petition from sundry citizens of Perry county in behalf of Edward Cunningham, a colored person; which was referred to the committee on propositions and grievances.

And then the House adjourned until to-morrow morning, ten o'clock.

DECEMBER 5. 1844.

House met pursuant to adjournment.

C. B. Watts, a representative from the county of Dallas :

And A. Lansdale, a representative from the county of Pike :

Appeared within the Hall of the House, were qualified and took their seats.

Mr. Jackson introduced a bill to regulate official bonds; which was read the first time, and ordered to a second reading.

Mr. Portis presented the petition of J. Darrington and others; which was referred to the committee on propositions and grievances.

Mr. Davis of F. introduced a bill for the relief of Richard Porter; which was read first time and ordered to a second reading.

Mr. Merrick introduced a bill to abolish a precinct at the house of John Ards, and to establish one at the house of James Brackson.

Mr. Merrick also introduced a bill to establish an election precinct at the house of Joseph Arthur, in the county of Dale:

Which were severally read the first time, and ordered to a second reading.

Mr. Norman presented the petition of John L. Townes; which was referred to the committee on the judiciary.

Mr. Cobb presented the petition of Hamilton Clack and others; which was referred to the committee on roads bridges and ferries.

Mr. Davis of L. introduced joint resolutions for the relief of tax collectors of eighteen hundred and forty-three;

Which were read the first and second times forthwith, and ordered to be engrossed

Message from the Senate, by Mr. Marrast:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate has passed the following resolution, in which they solicit your concurrence:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the Representative Hall on Saturday next, at twelve o'clock, M. to elect a Secretary of State for the term prescribed by law.

The resolution was concurred in.

Mr. Jones of Limestone, introduced a bill to confer Chancery jurisdiction, in certain cases touching the rights of married women.

Mr. Jones of Limestone, also introduced a bill to repeal in part, and modify the existing law, requiring the Judges of the Circuit Courts of Alabama to alternate;

Which were severally read the first time, and ordered to a second reading.

Mr. Brandon presented a counter petition from sundry citizens of Huntsville, in relation to the charter of said Town; which was referred to the delegation from Madison county.

Mr. Seawell presented the petition from sundry citizens of Mobile, in behalf of John A. Cuthbert; which was referred to the committee on the judiciary.

Mr. Bunting introduced a bill to change the mode of creating election precincts; which was read the first time, and ordered to a second reading.

Mr. Johnson presented a petition from Alexander Morehead and others; which was referred to the committee on privileges and elections.

Mr. Johnson presented the petition of sundry citizens of Pickens county, in relation to justices' courts; which was referred to the committee on the judiciary.

Mr. Johnson presented a petition in behalf of Elizabeth Tier; which was referred to the delegation from Pickens.

Mr. Johnson introduced a bill to repeal in part the act of eighteen hundred and forty, extending the debts due the State Bank and Branches, which was read the first time, and ordered to a second reading.

Mr. Edwards presented the petition of William D. Floyd and others; which was referred to the committee on privileges and elections.

Mr. Patton introduced a bill in relation to the payment of claims against the county of Sumter:

And also a bill in relation to Sheriff sales;

Which were severally read the first time, and ordered to a second reading.

Mr. Martin presented the petition of Peter Jones; which was referred to the committee on the judiciary.

Mr. Lea from the select committee, to whom was referred the bill to extend the time of holding the February term of Perry county Court, reported the bill back to the House, and recommended its passage.

The bill was ordered to be engrossed.

Mr. Kittrell offered the following resolution:

*Resolved*, That the delegation from Greene and Marengo, be constituted a select committee, to inquire into the expediency of preventing the introduction of slaves into the State except by actual emigrants.

Mr. Norman moved to amend by way of substitute as follows, to come in after "*Resolved*," "That the Chair appoint a select committee, to consist of one member from each Judicial Circuit, to take into consideration the expediency of prohibiting the further introduction of slaves into this State, except by actual emigrants or settlers."

Mr. Jones of Lawrence, moved to amend the amendment as follows; to come after the word "settlers;" "or persons residing out of this State desiring to settle plantations in this State."

Mr. Croom moved to lay the amendment to the amendment on the table; which was carried.

The question recurred on the adoption of the amendment offered by Mr. Norman; and carried.

The question was then taken on the adoption of the resolution as amended and carried—yeas 84, nays 7.

YEAS.—Messrs. Speaker, Aldridge, Alexander, Allen of B., Allen of R., Baker, Barnett, Baugh, Beck, Bell, Banting, Chandler, Clark, Clay, Cobb, Cook, Cooper, Croom, Davis of F., Davis of L., Fletcher, Gamble, Garrett, Grady, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Limestone, Judge, Kennedy, Kidd, Kimble, King, Kittrell, Lansden, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Mree, Mitchell of B., Mitchell of T., Morrisett, Mudd, Norman, Patton, Perrine, Phillips, Portis, Prince, Rhodes, Roby, Rose, Scott of J. Scott of M., Seawell, Smith of M., Snowden, Speight, Spencer, Steele, Stith, Storrs, Vinson, Walker, Watts of B., Watts of D., Webb, Williams of J., Winston, Woodward and Young.

NAYS.—Messrs. Bowdon, Brandon, Edwards, Griffin, Jones of Lawrence, Perry, Smith of L. and Treadwell

On motion of Mr. Jemison,

*Resolved*, That at as early a day as practicable, the committee on the State Bank and Branches, prepare and report to this House, in tabular form, a statement showing the amount of Banking Capital of the State, the amount of each separate fund, of which the aggregate amount of capital is made up; the amount due or owing by the State to each separate fund; the amount of entire indebtedness to the State Bank, showing separately the indebtedness of each and how much thereof is good, how much doubtful, and how much bad; also, showing what amount of the profits of the State Bank, has since their organization, been appropriated from time to time to defray the expenses of the State Government, for objects of internal improvement, purposes of education, &c., together with such other statistical information as shall present in a concise and satisfactory form, a general view of the present State and condition of our State Bank.

On motion of Mr. Bell,

*Resolved*, That the committee on roads, bridges and ferries, be instructed to inquire into the expediency of so amending the seventeenth section of the road law as to compel defaulters to make their excuses to the overseer within the first five days after default, or be subject to pay the cost of suit, if any should occur.

On motion of Mr. Walker,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law for the taking of depositions on the part of the defendants in criminal cases, and that they report by bill or otherwise.

On motion of Mr. Jackson,

*Resolved*, That the committee on the Penitentiary be instructed to inquire into the expediency of altering the law so as to make it the duty of the warden to keep all articles of whatsoever kind or description manufactured in the Penitentiary in one common store-room, where they may be exposed for sale by a person employed for that purpose, who shall keep a book, in which he shall record the articles received from each department, and shall also keep a record of all sales he may make, whether for cash or on credit.

Mr. Storrs moved that the Governor's message be taken from the table; which was carried.

Mr. Phillips offered the following resolutions:

*Resolved*, That so much of the message as relates to the management and liquidation of the Banks, the proper valuation and dispositions of their assets, the propriety of withdrawing them as subjects of taxation, the proper compensation to be allowed to the President, Directors, and Cashier of the Mobile Branch, and the attorney engaged in the suits brought under the resolution of fourteenth February, eighteen hundred and forty-three; the disposition of the bonds of eighteen hundred and forty-two, and eighteen hundred and forty-four, and eighteen hundred and sixty-three, redeemed by the Huntsville Branch, and now deposited

in the Bank of the State, as also those bonds falling due this year, and the expediency of repealing the law requiring the annual appointment of commissioners to examine the Bank; be referred to the committee on the State Bank and Branches.

2d. That so much as relates to the new apportionment of representation, be referred to a select committee of three, to be appointed by the chair, to act with a similar committee to be appointed by the Senate.

3rd. That so much as relates to the sixteenth section fund, its proper guardianship and disposition, and the amount due by the State to it, be referred to the committee on education.

4th. That so much as relates to the mode of keeping the books and accounts of the Penitentiary, the purchase and sale of articles, and the revisal of its prison discipline, be referred to the committee on the Penitentiary.

5th. That so much as relates to the improvement of the Chancery system, the practicability of avoiding the great consumption of time in acts of special private legislation, and the proposed amendment of the constitution, substituting biennial sessions of the legislature, be referred to the committee on the judiciary.

6th. That so much as relates to the indebtedness of the State, and the necessity of levying a tax to provide for the annual interest due by the State, be referred to the committee on ways and means.

7th. That so much as relates to the indebtedness of the Federal Government, for sums advanced by this State during the late Creek Indian hostilities; and so much as relates to the annexation of Texas; be referred to the committee on federal relations.

Mr. Mitchell of T. called for a division of the question.

The vote was first taken on the adoption of the first resolution.

The question recurred on the adoption of the second resolution.

Mr. Mitchell of T. moved to amend as follows: strike out all after "*Resolved*," and insert,

"That so much of the Governor's message as relates to the new apportionment, be referred to a select committee of nine, consisting of one from each judicial circuit."

The amendment was adopted, and the resolution as amended adopted.

The question was taken on the adoption of the third resolution.

The resolution was adopted.

The fourth, fifth, sixth and seventh resolutions, were separately adopted.

Mr. Portis moved a reconsideration of the vote, adopting the third resolution; which was carried.

Mr. Portis moved to amend as follows: strike out all after the "*Resolved*," and insert,

"That so much of the Governor's message as relates to the proper disposition of the sixteenth section fund, in the event of a final liquidation



of the affairs of the State Bank and Branches, be referred to a select committee composed of one member from each judicial circuit in the State, with instructions to report a bill at the earliest practicable day, embracing the object of the message upon said subject."

Whereupon, messrs. Portis, Rose, Watts of B. Mudd, Norman, Clemens, Woodward, Mitchell of B. and Jones of Benton, were appointed said committee.

On motion of Mr. Storrs,

*Resolved*, That so much of the Governor's message as relates to the disposition of the standard of weights and measures received from the Secretary of the Treasury of the United States, be referred to the committee on propositions and grievances, and so much as relates to education and the University, be referred to the committee on education.

The hour of twelve o'clock having arrived, the House took up the orders of the day.

The bill for the relief of Alley C. James and her heirs, was read the second time, and referred to the committee on the judiciary.

The bill to regulate the compensation of witnesses:

The bill for the relief of James Lacy and Hetty Lowe, of Fayette county :

The bill to define the time beyond which bills of exception shall not be certified and signed, and

The bill for the relief of securities;

Were severally read the second time and referred to the committee on the judiciary.

The bill declaring Margaret Shegog a free dealer and for other purposes, was read the second time and referred to the committee on propositions and grievances.

The bill to establish an election precinct at the house of Edward B. Walls, in Marengo county, was read the second time and referred to the committee on privileges and elections.

The joint resolutions proposing a change in the constitution, so as to have biennial sessions of the Legislature;

Were read the second time, and referred to the committee on the judiciary.

The bill requiring the Clerks of Pickens county to keep reversed indexes of their several books, was read the second time, and referred to the delegation from Pickens.

Mr. Maples from the select committee to whom was referred the petition of A. F. Smith and others, reported a bill to attach a part of the Camden beat to the Woodville beat, in Jackson county; which was read the first time, and ordered to a second reading.

Mr. Speaker laid before the House, records of divorce, in the cases of Malinda Brantly and others,

Which were referred to the committee on divorce and alimony.

And the House adjourned until to-morrow morning, ten o'clock.

DECEMBER 6, 1844.

House met pursuant to adjournment.

Mr. Speaker announced the following select committee, to wit :

The select committee to whom was referred so much of the Governor's message as relates to the apportionment of representation, consists of messrs. Chandler, Lea, Beck, Mitchell of T. Smith of L. Scott of J. Stith, Bunting and Bowdon.

On the resolution in regard to the introduction of Slaves into this State:

Messrs. Kittrell, Harrison, Judge, Walker, Brandon, Dunn, Patton, Treadwell, Allen of R.

A. W. Jones, a Representative from the County of Concueh, and H. C. Jones, a Representative from the County of Franklin, appeared within the Hall of the House, were qualified, and took their seats.

Mr. Speaker laid before the House the report of the Cashier of the State Bank; which was laid on the table.

Mr. Mitchell moved for leave to withdraw the report, that it might be sent to the Senate: which was granted.

A message from the Senate, by Mr. Marast:

Mr. Speaker—The Senate has adopted the following resolution :

*Resolved*, That with the concurrence of the House of Representatives the two Houses will assemble in the Hall of the House, this day the sixth instant, at the hour of twelve M. to elect a Judge for the County Court of Chambers County; the resolution was concurred in.

A message from the Senate, by Mr. Marast:

Mr. Speaker—I am instructed by the Senate to inform your Honorable body that it has adopted the following resolution, in which your concurrence is requested :

*Resolved*, That the Chair appoint a committee of three on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, whose duty it shall be to examine the Comptroller's and Treasurer's offices, in order to ascertain whether or not those officers have discharged their duties according to law, and report the result of their investigation to their respective Houses.

Messrs. Hudson, McAlpin and Creagh, constituted the committee on the part of the Senate.

The Senate has also concurred in the resolution of the House of Representatives to appoint a committee to prepare and report rules, &c. for the government of each House, and have appointed on their part, messrs. Posey, Hudson, McClanahan, McAlpin, and Dent.

The Senate has also adopted the following resolutions:

*Resolved*, That the Senate and House of Representatives, will assemble in the Hall of the House, on Saturday next, at twelve o'clock, for the purpose of going into the election of a Judge of the County Court of Benton County, also a Chancellor for the Southern Chancery Division.

The Senate concurs in the resolution of the House of Representatives, to assemble in the Hall of the House on Saturday next, for the purpose of electing a Senator to the Congress of the United States.

The House concurred in the first resolution contained in the message from the Senate : and

Messrs. Perrine, Walker of L. and Cobb, were appointed on the part of the House.

The resolutions in relation to electing a Chancellor for the Southern Division, and a Judge for the County Court of Benton County, were laid on the table.

Mr. Speaker laid before the House the report of the President of the State Bank; which was referred to the committee on the State Bank and Branches, with instructions to have two hundred copies thereof printed.

Mr. Speaker laid before the House, the report of the Cashier of the Branch Bank at Huntsville; which was laid on the table.

Mr. Speaker laid before the House the record of divorce in the case of John Breed against Martha Breed; which was referred to the committee on divorce and alimony.

Mr. Mitchell of Bourbon, presented the petition of Levi L. Daniel and others; which was referred to the committee on propositions and grievances.

Mr. Mitchell of B. also presented the petition of sundry citizens of Bourbon County, in regard to a certain contract for the purchase of a sixteenth section in said County; which was also referred to the committee on propositions and grievances.

Mr. Jones of Benton, presented the petition of sundry citizens of Benton County, in regard to a certain sixteenth section contract; which was referred to the committee on propositions and grievances.

Mr. Jones of Blount, introduced a bill to compel certain persons therein named, to work on public roads in Blount County; which was read the first time, and ordered to a second reading.

Mr. Albridge presented a petition in behalf of H. G. K. Shannon; which was referred to a select committee, consisting of the delegation from the Counties of Jefferson, Walker, Marshall, and Blount.

Mr. Albridge introduced a bill for the relief of James H. Rains, of Blount County;

Mr. Garrett introduced a bill for the relief of Louisa Allen;

Mr. Merriek introduced a bill in relation to the claims of Dale and Coffee Counties;

Which were severally read the first time, and ordered to second reading.

Mr. Davis of F. presented a petition in behalf of Richard Porter; which was referred to the committee on the Penitentiary.

Mr. Davis of F. presented a petition in behalf of Nancy Winters, and Britton McDaniel; which was referred to the committee on divorce and alimony.

Mr. Walker introduced a bill in regard to amending bills for injunctions; which was read first time and ordered to a second reading.

Mr. Scott of M. introduced a bill to divorce James R. Henry, from his wife Elizabeth Henry; which was read the first and second times forthwith, and referred to the committee on divorce and alimony.

Mr. Clemens presented the petition of N. B. Grayson; which was referred to the committee on propositions and grievances.

Mr. Clemens presented the petition of the Tennessee Canal Commissioners; which was referred to the committee on the Judiciary.

Mr. Scott of J. presented a petition from the Jackson County Guards; which was referred to the delegation from Jackson.

Mr. Harris introduced a bill to incorporate the Town of Dayton, in Marengo County.

Mr. Fletcher introduced a bill to exempt certain property from execution; which was read the first time, and ordered to a second reading.

Mr. Seawell presented the petition of Catherine Kehoe; which was referred to the committee on propositions and grievance.

Mr. Perry introduced a bill to authorize the rescission of a certain contract therein named :

Mr. Miree introduced a bill to extend the time of holding the Circuit Court of Perry County :

Which were severally read the first time, and ordered to a second reading.

Mr. Allen of R., presented a petition from J. M. Kennedy and others; which was referred to the committee on propositions and grievances.

Mr. Allen of Randolph, introduced a bill for the support of paupers in the county of Randolph; which was read first time, and ordered to a second reading.

Mr. Barnett presented a petition; which was referred to the committee on privileges and elections.

Mr. Kidd presented a petition from sundry citizens of Shelby county; which was referred to the committee on privileges and elections.

Mr. Edwards introduced a bill to abolish and establish certain election precincts therein named, in the County of St. Clair.

Mr. Edwards also introduced a bill to create an additional company beat in the County of St. Clair, which were severally read a first time, and ordered to a second reading.

Mr. Patton introduced a bill in relation to the county tax of Sumter county.

Also, a bill for the relief of Nancy J. Arrington; which were severally read the first time, and ordered to a second reading.

Mr. Patton also presented an account of George B. Saunders; which was referred to the committee on accounts.

Mr. Kimbell presented a petition, which was referred to the committee on privileges and elections.

Mr. Baker introduced a bill to compel the Judge of the County Court of Walker county, to reside within eight miles of the county site thereof.

Mr. Jackson, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Mobile, praying the passage of a law authorizing the emancipation of a certain negro slave; reported a bill to emancipate slave Gertrude; which was read the first and second time forthwith, and ordered to be engrossed.

Mr. Jackson, from the same committee, to which was referred the petition of John S. Smith and others, praying the passage of a law freeing certain persons therein named; reported that it was inexpedient to legislate on the subject; the report was concurred in.

Mr. Jackson, from the same committee, to which was referred the petition of sundry citizens of Talladega county, in regard to the court house in said county; reported that it was inexpedient to legislate upon the subject; the report was concurred in.

Mr. Jackson, from the same committee, to which was referred the petition in behalf of Jesse Check; reported a bill for the relief of Jesse Check, which was read the first time, and ordered to a second reading.

Mr. Jackson, from the same committee, to whom was referred the petition for the relief of George W. Ptomey and others, in the County of Wilcox; reported

A bill for the relief of George W. Ptomey and others, in the County of Wilcox; which was read the first time and ordered to a second reading.

On motion of Mr Grady:

*Resolved*, That the Senate be now invited into the Hall of the House to elect a Judge of the County Court of Chambers.

The Senate repaired to the hall of the House, and the two houses proceeded to the election.

*Clement C. Forbes* and *Evan G. Richards*, being in nomination.

Those who voted for *Mr. Forbes*, are—messrs. Arrington, Creagh, Dent, Dougherty, Gilchrist, Hardaway, Moores, McAlpin, Norris, Oliver, Posey, Reese, Spruill, Walker of L. Ward, Watrous, Walhall, Watkins and Winston of the Senate; and messrs. Baker, Barnett, Bunting, Clarke, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Gamble, Gewin, Grady, Hall, Harris, Hill, Hobdy, Howard, Jenison, Johnson, Jones of C. Jones of F. Judge, Kimbell, King, Merrick, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Perrine, Prince, Rhodes, Roby, Scott of M. Seawell, Snowden, Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. and Woodward.

Those who voted for *Mr. Richards*, are—messrs. Ashe, Bishop, Fleming, Griffin, Harris, Hudson, Marchbanks, McClanahan, Smith, Walker of B. and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Edwards, Fletcher, Garrett, Griffin, Hays, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of Lawrence, Jones of Limestone, Kennedy, Kidd, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Miree, Patton, Perry, Phillips, Portis, Rose, Scott of J. Smith of M. Speight, Spencer, Steele, Webb, Williams of J. Winston and Young.

*Mr. Forbes* having received a majority of the whole number of vote given, *Mr. Speaker* declared him duly and constitutionally elected Judge of the County Court of Chambers county, for the term prescribed by the Constitution.

The Senate withdrew.

On motion of *Mr. Lea*,

*Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Hall of the House on Saturday next, for the purpose of electing a Solicitor for the first judicial circuit.

On motion of *Mr. Clay*,

*Resolved*, That the Secretary of State be requested to compile a table exhibiting the census or enumeration of the inhabitants of this State, for the years eighteen hundred and thirty-eight, eighteen hundred and forty, and eighteen hundred and forty-four, arranged by counties; distinguishing the white, slave, and free colored population, in each at the periods mentioned, and lay the same before the House, as soon as the same can be completed.

*Mr. Steele* offered the following resolution:

*Resolved*, That the House do now go into the election of a committee of three, to act jointly with such committee as may be chosen on the part of the Senate, to examine the condition of the State Bank and Branches; which was adopted, and messrs. *Jemison*, *Clay* and *Phillips* were appointed said committee on the part of the House.

The hour of twelve having arrived, the house took up the orders of the day.

The engrossed joint resolutions for the relief of tax collectors of eighteen hundred and forty-three:

And the engrossed bill to extend the time of the County Court of Perry county:

Were severally read a third time and passed.

The bill to regulate official bonds, was read the second time and referred to the committee on the judiciary.

The bill for the relief of *Richard Porter*, was read the second time and referred to the committee on the Penitentiary.

The bill to confer chancery jurisdiction on certain cases touching the rights of married women:

The bill to repeal and modify the existing law requiring the Judges of the Circuit Court to alternate; were severally read the second time and referred to the committee on the judiciary.

The bill in relation to sheriff's sales, was read the second time, and referred to a select committee of nine; consisting of one member from each Circuit.

The bill to change the mode of creating election precincts; was read the second time, and referred to the committee on privileges and elections.

The bill in relation to the payment of claims against the County of Sumter; was read the second time and ordered to be

The bill to repeal in part the act of eighteen hundred and forty, extending the debts due the State Bank and Branches, was read the second time, and referred to the committee on the State Bank and Branches.

The bill to attach a part of the Camden beat to the Woodville beat in Jackson county, was read the second time, and referred to the committee on the military.

The bill to abolish a precinct at the house of John Ards, and establish one at the house of James Brackens:

And the bill to establish an election precinct at the house of Joseph Arthur's in Dale county:

Were severally referred to the committee on privileges and elections.

Ordered, that messrs. Brandon, Hays and Cooper be added to the committee raised on the memorial relating to a communication between the waters of the Tennessee river and Mobile bay.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred a petition in behalf of Edward Cunningham, a colored man; reported that it is inexpedient to legislate upon the subject.

On motion of Mr. Lea the report was laid upon the table.

Mr. Smith offered the following resolution:

*Resolved*, That the Doorkeeper of the House be, and he is hereby authorized to employ an assistant Doorkeeper, at an expense not exceeding two dollars and a half per day.

Mr. Morrisett moved to postpone the resolution indefinitely; which was carried—Yeas 59, nays 27.

YEAS—messrs. Aldridge, Alexander, Allen of B. Allen of R. Banks, Barnett, Baugh, Bell, Bowdon, Brandon, Clay, Cobb, Croom, Davis of F. Edwards, Fletcher, Gamble, Garrett, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jernison, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of F. Jones of Limestone, Judge, Kennedy, Kimbell, King, Kirtrell, Lunsdale, Maples, McIwether, Miree, Mitchell of T. Morrisett, Mudd, Pentine, Perry, Prince, Rhodes, Roby, Rose, Scott of J. Snowden, Speight, Spencer, Steele, Treadwell, Webb, Williams of J. Winston and Young—59.

NAYS—messrs. Speaker, Beck, Hunting, Chandier, Cook, Cooper, Davis of L. Dufreese, Grady, Hall, Judge, Jones of Lawrence, Martin, Mason, McClung, Morrison, Norman, Patton, Phillips, Portis, Scott of M. Seawell, Smith of L. Smith, Walker of B. and Watts of B—27.

On motion of Mr. Davis of L.

*Resolved*, That the select committee on the sixteenth section fund be instructed to inquire into the expediency of authorizing the State Bank and its Branches, to appoint an agent, whose duty it shall be to go into the market, and invest the sixteenth section school fund in the lands of the State of Alabama. Which lands shall be held in trust for the use of the sixteenth section schools by the said Banks, until their

final liquidation, and draw the present rate of interest; and report to this House by bill or otherwise.

On motion of Mr. Patton,

*Resolved*, That the committee on the military, be instructed to inquire into the expediency of amending or abolishing the present militia system of this State, and to report by bill or otherwise.

And then the House adjourned until to-morrow morning, ten o'clock.

DECEMBER 7, 1844.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the Comptroller's annual report, which was laid on the table, and one hundred copies ordered to be printed.

Mr. Speaker laid before the House a communication from the Secretary of State, as follows:

SECRETARY OF STATE'S OFFICE, }  
TUSCALOOSA, 7th December, 1844. }

Sir—I herewith transmit, to be laid before the House of Representatives, the returns of the census, or enumeration of the inhabitants of this State, made during the current year, so far as they have been received at this office.

No returns have been received from the counties of Sumter and Baldwin.

(Signed )

WM. GARRETT,  
Secretary of State.

Hon. A. B. Moore, Speaker of the House of Representatives.

The communication and accompanying documents, were referred to the committee on the apportionment of representation.

Mr. Speaker laid before the House the report of the Commissioners appointed to examine the State Bank; which was laid on the table.

Ordered, that Mr. Martin have leave to withdraw the report.

Mr. Aldridge introduced a bill, authorizing the formation of two Captain's companies, in the county of Blount.

Mr. Rose introduced a bill, to authorize Adam Harrell to build a fish trap on the Coosa river:

Mr. Snowden introduced a bill to prevent the Judge of the County Court and Commissioners of Roads and Revenue, of the County of Covington, from receiving any compensation for services rendered at the Commissioners' Court:

Mr. Snowden introduced a bill, to authorize the tax collector of the County of Covington to assess the taxes for said County of Covington:



Mr. Snowden introduced a bill for the relief of Alford Holley, tax collector for the County of Covington:

Mr. Merrick introduced a bill, to change the mode of assessing and collecting the taxes for the counties of Dale and Coffee:

Mr. Davis of F. introduced a bill, for the relief of insolvent Bank debtors:

Which bills were severally read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has adopted the following resolution:

*Resolved by the Senate and House of Representatives, That the two Houses will adjourn sine die, on the twenty-fifth day of December.*

In which the concurrence of your Honorable body is requested.

The Senate also concurs in the resolution of the House, proposing to go into the election of a Solicitor for the first Judicial Circuit, on this day.

Mr. Smith of L. moved to amend the resolution of the Senate, by striking out the "twenty-fifth of December," and inserting "eighth of January."

Mr. Fletcher moved to lay the resolution on the table; which was carried.

Mr. Cobb introduced a bill, to authorize the Commissioners of the sixteenth section, to qualify officers to hold elections to elect trustees for the several townships in this State, &c.; which was read the first time and ordered to a second reading.

Mr. Scott of M. presented a petition in regard to the rescission of a certain sixteenth section contract; which was referred to the committee on propositions and grievances.

Mr. Kennedy presented the petition of Mark Russell and others; which was referred to the committee on the military.

Mr. Chandler introduced a bill, to provide for the payment of a portion of the bonds of the State of Alabama:

Mr. Lausdale introduced a bill, to amend the charter of the Town of Troy:

Which were severally read the first time, and ordered to a second reading.

Mr. Bowdon presented the petition of sundry citizens of Benton county, praying to be attached to Talladega county; which was referred to the committee on county boundaries.

Mr. Bowdon also introduced a bill to attach a part of Benton county to Talladega county:

Mr. Bowdon also introduced a bill for the relief of Dr. Elijah Dodson, of Talladega county:

Which were severally read the first time, and ordered to a second reading.

Mr. Martin introduced a bill to alter and amend the Chancery system:

of this State; which was read the first and second times, and referred to the judiciary committee, with instructions to have one hundred copies printed.

Mr. Martin also presented a petition on the same subject; which was referred to the judiciary committee.

Mr. Jackson, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Talladega county, praying the establishment of a poor house in said county, reported

A bill for the support of paupers, in the county of Talladega; which was read the first time, and ordered to a second reading.

Mr. Jackson, from the same committee, to which was referred the petition of John H. Gee and others, reported

A bill for the relief of John H. Gee, of Sumter county; which was read the first time and ordered to a second reading.

Mr. Jackson, from the same committee, to which was referred the petition of sundry citizens of Mobile county, praying the passage of a law emancipating certain persons therein named, reported a bill in accordance with the prayer of the petitioners; which was read the first time, and ordered to a second reading

Mr. Jackson, from the same committee, to which was referred the petition of Patrick McLoskey, reported

A bill to emancipate a negro slave, William; which was read the first time, and ordered to a second reading.

Mr. Edwards, from the select committee, to which was referred the petition of George Holloway, and Lewis L. Rhea, reported

A bill to authorize certain persons therein named to erect a mill dam; which was read the first, second and third times forthwith, and passed.

On motion of Mr. Norman,

*Resolved*, That the Senate be now invited into the hall of the House for the purpose of electing a Secretary of State, and a Senator to the Congress of the United States, and a Solicitor for the First Judicial Circuit.

The Senate repaired to the Hall of the House—and the two Houses proceeded first to elect a Secretary of State.

*William Garrett* alone being in nomination, and he having received one hundred and twenty-nine votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Secretary of State for the term prescribed by the Constitution.

The two Houses proceeded next, to elect a Senator to the Congress of the United States :

*Dixon H. Lewis* and *Arthur F. Hopkins* being in nomination.

Those who voted for *Mr. Lewis*, are—messrs President, Ashe, Bishop, Creagh, Dargan, Fleming, Griffin, Harris, Hudson, Marchbanks, McClanahan, Posey, Smith, Walker of B. Walker of L. Walcott, Watkins, Winston, and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Davis of F. Davis

of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Griffin, Hays, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Franklin, Jones of Lawrence, Jones of Limestone, Kennedy, Kidd, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B., Morrison, Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Speight, Spencer, Steele, Stith, Treadwell, Walker, Webb, Williams of J., Winston, Woodward and Young of the House.

Those who voted for *Mr. Hopkins*, are—messrs. Arrington, Dent, Dougherty, Gilchrist, Hardaway, Moores, McAlpin, Norris, Oliver, Reese, Spruill, Ward and Watrous of the Senate; and messrs. Baker, Barnett, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Howard, Jemison, Johnson, Judge, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Perrine, Prince, Scott of Macon, Smith of mar. Snowden, Storrs, Watts of Butler, and Watts of Dallas, of the House.

*Mr. Lewis* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Senator to the Congress of the United States for the unexpired term created by the resignation of the Honorable William R. King.

The two Houses then proceeded to elect a Solicitor for the First Judicial Circuit.

*Messrs. William Brooks* and *B. L. Dufreese*, being in nomination :

Those who voted for *Mr. Brooks*, are messrs. President, Arrington, Ashe, Bishop, Creagh, Dargan, Dent, Fleming, Gilchrist, Harris, Hudson, Marchbanks, Moores, McAlpin, McClanahan, Norris, Oliver, Posey, Spruill, Walker of L. Walthall, Watkins and Wilson of the Senate; and messrs. Aldridge, Allen of R. Beck, Bowdon, Brandon, Clay, Clemens, Cook, Croom, Davis of F. Dunn, Hall, Harris, Howard, Inge, Jackson, Jemison, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Franklin, Jones of Lawrence, Judge, Kimbell, King, Kittrell, Lea, Maples, Martin, Mason, McClung, Mitchell of T. Morrisett, Mudd, Norman, Patton, Perrine, Phillips, Portis, Prince, Seawell, Smith of L. Smith of mar. Spencer, Steele, Stith, Watts of B. Watts of Dallas, Williams of J. and Woodward of the House.

Those who voted for *Mr. Dufreese*, are—messrs. Dougherty, Griffin, Hardaway, Reese, Smith, Walker of B. and Winston of the Senate; and messrs. Speaker, Abernathy, Allen of B. Baker, Barnett, Baugh, Bell, Bunting, Chandler, Clarke, Cobb, Cooper, Davis of L. Kennedy, Kidd, Lansdale, Meriwether, Merrick, Miree, Mitchell of B. Morrison, Perry, Roby, Rose, Scott of J. Scott of mar. Snowden, Speight, Storrs, Treadwell, Walker, Webb, Winston and Young of the House.

*Mr. Brooks* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Solicitor of the First Judicial Circuit, for the time prescribed by law.

The Senate then withdrew

The House proceeded to the consideration of the orders of the day.  
The engrossed bill to emancipate slave Gertrude, was read the third time:

Mr. Jemison moved to postpone the bill indefinitely; which was lost.  
Yeas 39—Nays 51:

YEAS—Messrs. Aldridge, Alexander, Allen of Benton, Allen of R. Barnett, Bowdon, Brandon, Clarke, Clay, Cook, Croom, Davis of F. Fletcher, Grady, Harris, Hays, Hobdy, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Con. King, Lansdale, McClung, Merrick, Miree, Meriwether, Mitchell of T. Morrisett, Roby, Smith of L. Smith of mar. Snowden, Speight, Spencer, Watts of B. and Watts of D.

NAYS—Messrs. Speaker, Baugh, Bell, Bunting, Chandler, Cobb, Cooper, Davis of L. Dunn, Gamble, Garrett, Hall, Hill, Howard, Inge, Jackson, Jones of Franklin, Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, Kittrell, Lea, Maples, Martin, Mason, Mitchell of Barbour, Morrison, Mudd, Norman, Patton, Perry, Phillips, Portis, Prince, Rose, Scott of J. Scott of mar. Seawell, Steele, Stith, Storrs, Treadwell, Walker, Webb, Williams of J. Winston, Woodward and Young

Mr. Clay moved the previous question; which was sustained. Yeas 61—Nays 29:

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Barnett, Baugh, Brandon, Bunting, Chandler, Clay, Cobb, Cooper, Davis of F. Dunn, Edwards, Fletcher, Gamble, Garrett, Grady, Hays, Hobdy, Inge, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of Con. Judge, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Merrick, Miree, Mitchell of B. Morrison, Mudd, Patton, Perry, Phillips, Roby, Scott of J. Smith of L. Smith of mar. Snowden, Speight, Spencer, Steele, Stith, Treadwell, Watts of B. Webb, Williams of J. Winston and Woodward.

NAYS—Messrs. Allen of B. Bowdor, Clarke, Cook, Croom, Davis of L. Hall, Harris, Hill, Howard, Jemison, Jones of F. Jones of Lawrence, Jones of Limestone, Kidd, Meriwether, Mitchell of T. Morrisett, Norman, Perrine, Portis, Prince, Rose, Scott of M. Seawell, Storrs, Walker, Watts of D. and Young.

Mr. McClung moved a reconsideration of the vote just taken; which was lost.

And the bill passed.

On motion of Mr. Smith of L.

*Resolved*, That the two Houses convene in the Hall of the House of Representatives, on Monday, at eleven o'clock, A. M. for the purpose of electing Judges of the County Courts of Lauderdale and Benton counties.

The House then adjourned until Monday, at ten o'clock.

DECEMBER 9th, 1844.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the President of the Branch of the Bank of the State of Alabama at Mobile, together with accompanying documents; which were referred to the committee on the State Bank and Branches, with instructions to have one hundred copies thereof printed.

Mr. Speaker laid before the House the report of the Cashier of the Branch Bank at Mobile; which was referred to the joint examining committee on the State Bank and Branches.

Mr. Speaker laid before the House the annual report of the Quarter Master General of the State of Alabama; which was referred to the committee on the military.

Mr. Jones of Benton introduced a bill to consolidate the offices of assessor and collector of taxes in Benton county.

Mr. Young introduced a bill for the relief of the poor.

Mr. Allen of Benton, introduced a bill to abolish the office of Bank marshal.

Mr. Watts of B., introduced a bill to require the sheriff of Butler county to reside within one mile of the court house in said county.

Mr. Watts of B., introduced a bill to change the name of John Miller, to that of John Perret, Jr.

Mr. Hill introduced a bill to prevent litigation between attorneys and their clients, and to save the time and money of the country.

Mr. Garrett introduced a bill relating to the Commissioner's Court of Cherokee county.

Mr. Jones of Conecuh introduced a bill authorizing the constables of a county therein named, to execute subpoenas, by leaving a copy thereof at the residence of witnesses.

Mr. Snowden introduced a bill to alter and amend the militia law so far as concerns the sixtieth regiment, A. M., which bills were severally read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker,—I am instructed by the Senate to inform your Honorable body, that the Senate has passed

A bill to be entitled an act to prevent the Judges of the Circuit and County Courts from giving and signing bills of exceptions in vacation; in which they respectfully ask your concurrence.

The Senate also concurs in the resolution of the House proposing to go into the election of Judges of the County Courts of Benton and Lauderdale counties, at eleven o'clock this day, and have amended the same by adding a Chancellor of the Southern Chancery Division, and a Solicitor of the ninth judicial circuit.

The amendment of the Senate was concurred in.

The bill from the Senate to prevent Judges of the Circuit and County Courts from giving and signing bills of exceptions in vacation, was read the first time and ordered to a second reading.

Mr. Snowden introduced a bill for the relief of Lucinda Merritt, which was read the first time and ordered to a second reading.

A message from His Excellency the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
TUSCALOOSA, December 9th, 1844. }

*To the Speaker of the House of Representatives:*

SIR,—I have the honor to lay before the House of Representatives, joint resolutions of the General Assembly of Kentucky, in reference to the Massachusetts Legislature, relative to the amendment of the Constitution of the United States.

Resolutions of the State of Connecticut relating to the repudiation of State debts:

Resolutions of the State of Maryland in relation to domestic institutions of the several States:

Resolutions of Massachusetts on the subject of annexing Texas to the United States:

The same in response to the General Assembly of Virginia.

Resolutions of the State of Mississippi on the subject of annexation:

Resolutions of the State of South Carolina on the same subject.

Resolutions of the State of Georgia on the subject of Repudiation:

Resolutions of the State of Rhode Island in relation to the interference of the Congress of the United States, with the internal government of said State:

Resolutions of the State of Virginia in response to the Legislature of Massachusetts:

All of which are respectfully submitted.

[Signed]

BEN. FITZPATRICK.

The resolutions were referred to the committee on federal relations.

Mr. Merrick introduced a bill to fix the compensation of the Commissioners of Roads and Revenue of the Counties of Dale and Coffee.

Mr. Davis of F., introduced a bill to repeal in part an act in Clay's Digest, page five hundred and ninety, section third:

Mr. Speight introduced a bill to change in part the mode of drawing grand jurors in the counties of Henry, Dale and Coffee:

Mr. Speight introduced a bill to authorize the Commissioners of Roads and Revenue in the County of Henry to raise a revenue in said county:

Which bills were severally read the first time and ordered to a second reading.

Mr. Gamble presented the petition of Thomas S. Harvey, and also the petition of Weeks Pippin; which was referred to the committee on accounts.

Mr. Gamble presented the petition of sundry citizens in regard certain land sold by Joseph Gibson; which was referred to the committee on the judiciary.

Mr. Kittrell presented a petition in regard to the road laws; which was referred to the committee on roads, bridges and ferries.

Mr. Jones of Limestone introduced a bill for the relief of Mrs. Casey Snead, of the County of Limestone, together with a petition relating to the same subject.

The bill and petition were referred to the committee on propositions and grievances.

Mr. Judge presented a petition of sundry citizens of Lowndes county in regard to the manner of assessing and collecting the tax in the county of Lowndes; which was referred to the committee on ways and means.

Mr. Morrisett introduced a bill for the relief of Ann Chambers; which was read the first and second times and referred to the committee on the judiciary.

Mr. Morrisett also presented a petition in relation to the same subject; which was referred to the same committee.

Mr. Bunting presented the petition of Wm. Tillman; which was referred to the committee on propositions and grievances.

Mr. Barnett presented a petition to establish a medical college in the town of Wetumpka; which was referred to a select committee of three, consisting of Messrs. Barnett, Hill and Jackson.

Mr. Jackson, from the committee on propositions and grievances, reported a bill for the relief of the purchasers of a certain sixteenth section in the County of Barbour; which was read the first time and ordered to a second reading.

On motion of Mr. Smith of L.

*Resolved*, That the Senate be now invited into the Hall of the House, for the purpose of electing a Judge of the County Court of Benton and Lauderdale counties, and a Chancellor for the Southern Chancery Division, and a Solicitor of the Ninth Judicial Circuit.

Whereupon the Senate repaired to the Hall of the House, were seated, and Mr. President announced the object of the meeting of the two Houses.

The two Houses proceeded first to elect a Judge of the County Court of Lauderdale county:

*William B. Woods, Luther T. Thurston and Perry E. Brocchus*, being in nomination:

Those who voted for *Mr. Woods*, are—messrs. Arrington, Creagh, Gent, Dougherty, Gilchrist, Hardaway, Harris, Moores, McAlpin, Morris, Oliver, Reese, and Spruill, of the Senate; and messrs. Baker, Barnett, Beck, Bowdon, Bunting, Ghandler, Clarke, Clemens, Cobb, Cooper, Croom, Dufreese, Dunn, Grady, Hall, Hill, Howard, Inge, Jamison, Johnson, Jones of Franklin, Jones of Limestone, Judge, Kidd, Gamble, King, Kittrell, Mason, Merivether, Mitchell of B. Mitchell

of T. Morrisett, Mudd, Patton, Perrine, Perry, Portis, Prince, Rhoads, Roby, Rose, Scott of Macon, Smith of L. Smith of Mar. Spencer, St. Storrs, Walker, Watts of B. Watts of D. and Woodward of the House.

Those who voted for *Mr. Thurston*, are—messrs. President, Dugan, Posey, Walker of B. Watrous, Walthall, Watkins and Wilson of the Senate; and messrs. Alexander, Baugh, Brandon, Davis of L. Harrison Jackson, Jones of Benton, Jones of Conecuh, Martin, McClung, Norman Seawell, Steele, Treadwell and Winston of the House.

Those who voted for *Mr. Brocchus*, are messrs. Ashe, Bishop, Fleming, Griffin, Hudson, Marchbanks, McClanahan, Smith, Walker of Ward and Wilson of the Senate; and messrs. Speaker, Aldridge, Allen of B. Allen of R. Bell, Clarke, Cobb, Davis of F. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Jones of Blount, Jones of Lawrence, Kennedy, Lansdale, Lea, Maples, Merrick, Minn Morrison, Scott of J. Snowden, Speight, Webb, Williams of J. and Young of the House.

Neither of the candidates having received a majority of the whole number of votes given—the two houses proceeded to vote a second time.

The name of *Mr. Thurston* having been withdrawn.

Those who voted for *Mr. Woods*, are—messrs. Arrington, Creed, Dent, Dougherty, Gilchrist, Hardaway, Harris, Moores, McAll Norris, Oliver, Reese, Spruill, Ward, Watrous, and Watkins of Senate; and messrs. Baker, Barnett, Beck, Bowdon, Bunting, Clark, Clemens, Cook, Cooper, Croom, Dunn, Grady, Hall, Hill, Howards, Inge, Jamison, Johnson, Jones of Frank in, Jones of Limestone, Jud Kidd, Kimbell, King, Kuttrell, Mason, McClung, Meriwether, Mitchell of T. Morrisett, Mudd, Patton, Perrine, Perry, Prince, Rhoads, Rose, Rose, Scott of Macon, Seawell, Smith of L. Smith of Mar. Spencer, Smith, Storrs, Walker, Watts of B. Watts of D. and Woodward of the House.

Those who voted for *Mr. Thurston*, are—messrs. President and Dugan of the Senate.

Those who voted for *Mr. Brocchus*, are messrs. Ashe, Bishop, Fleming, Griffin, Hudson, Marchbanks, McClanahan, Posey, Smith, Walker of B. Walker of L. Walthall, Wilson and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Brandon, Chandler, Clay, Cobb, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Harris, Hays, Hobdy Jackson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Lawrence, Kennedy, Lansdale, Lea, Maples, Martin, Merrick, Mitchell of B. Morrison, Norman, Scott of J. Snowden, Speight, Steele, Treadwell, Webb, Williams of J. Winston and Young of the House.

*Mr. Woods* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Lauderdale county, for the term prescribed by the Constitution.



The two houses next proceeded to elect a Judge of the County Court of Benton county.

*Messrs. James L. Lewis, E. T. Smith, and John Renfrow*, being in nomination:

Those who voted for *Mr. Lewis*, are—messrs. President, Arrington, Creagh, Dargen, Griffin, Marchbanks, Posey, Walker of B. Walker of L. Watrous, Watkins, Wilson and Winston of the Senate; and messrs. Aldridge, Alexander, Allen of B. Baker, Beck, Bell, Brandon, Clay, Cobb, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Griffin, Hall, Hays, Inge, Jemison, Jones of Blount, Jones of Conecuh, Jones of Franklin, Jones of Lawrence, Jones of Limestone, Maples, Martin, Mason, Meriwether, Morrisett, Norman, Patton, Rose, Scott of J. Seawell, Smith of L. Treadwell, Watts of B. Williams of J. Winston, Woodward and Young of the House.

Those who voted for *Mr. Smith*, are—messrs. Bishop, Dent, Fleming, Gilchrist, Harris, Hudson, McClanahan, Reese, Smith and Walthall of the Senate; and messrs. Speaker, Allen of R. Baugh, Bowdon, Clarke, Clemens, Cook, Cooper, Croom, Dunn, Gamble, Howard, Johnson, Judge, Kidd, Kittrell, McClung, Mree, Morrison, Mudd, Perry, Phillips, Portis, Rhodes, Scott of Macon, Smith of Mar. Snowden, Spencer, Storrs, Watts of D. and Webb of the House.

Those who voted for *Mr. Renfrow*, are—messrs. Ashe, Dougherty, Hardaway, Moores, McAlpin, Norris, Oliver, Spruill and Ward of the Senate; and messrs. Barnett, Bunting, Chandler, Cowin, Grady, Harris, Hill, Hobdy, Jackson, Jones of Benton, Kimbell, King, Lansdale, Lea, Merriek, Mitchell of B. Mitchell of T. Perrine, Prince, Roby, Speight, Steele, Stith and Walker of the House of Representatives.

Neither of the candidates having received a majority of the whole number of votes given.

The two houses proceeded to vote a second time.

Those who voted for *Mr. Renfrow*, are—messrs. Ashe, Dent, Dougherty, Hardaway, Moores, McAlpin, Norris, Oliver, Spruill, Ward and Watkins of the Senate; and messrs. Barnett, Bunting, Chandler, Croom, Davis of F. Gewin, Grady, Harris, H. P. Hobdy, Jemison, Johnson, Jones of Benton, Jones of Lawrence, Kimbell, King, Kittrell, Lansdale, Lea, Merriek, Mitchell of B. Mitchell of T. Perrine, Prince, Roby, Speight, Steele, Stith, Walker and Webb of the House of Representatives.

Those who voted for *Mr. Lewis*, are—messrs. Aldridge, Alexander, Allen of B. Baker, Beck, Bell, Brandon, Clay, Cobb, Dufreese, Edwards, Fletcher, Gamble, Hall, Hays, Inge, Jones of Blount, Jones of Conecuh, Jones of Franklin, Jones of Limestone, Kennedy, Maples, Martin, Mason, Meriwether, Morrisett, Norman, Patton, Phillips, Rose, Scott of J. Seawell, Smith of L. Spencer, Treadwell, Watts of B. Williams of J. Winston, Woodward and Young of the House.

Those who voted for *Mr. Smith*, are—messrs. Bishop, Fleming, Gilchrist, Harris, Hudson, McClanahan, Reese, Smith and Walthall of the Senate; and messrs. Speaker, Allen of R. Baugh, Bowdon, Clarke,

Clemens, Cook, Cooper, Davis of L. Dunn, Garrett, Griffin, Howard, Jackson, Judge, Kidd, McClung, Miree, Morrison, Mudd, Perry, Portis, Rhodes, Scott of Macon, Smith of Marengo, Snowden, Storrs, Watts of D. of the House.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a third time.

Those who voted for *Mr. Lewis*, are—messrs. President, Arrington, Creagh, Dargan, Griffin, Marchbanks, Posey, Walker of B. Walker of L. Watrous, Watkins, Winston and Wilson of the Senate; and messrs. Aldridge, Alexander, Allen of B. Baker, Beck, Bell, Brandon, Clay, Cobb, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Griffin, Hall, Hays, Inge, Jemison, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Maples, Martin, Mason, Meriwether, Morrisett, Norman, Patton, Rose, Scott of J. Seawell, Smith of L. Treadwell, Watts of B. Williams of J. Winston, Woodward and Young.

Those who voted for *Mr. Smith*, are—messrs. Bishop, Dent, Fleming, Gilchrist, Harris, Hudson, McClanahan, Reese, Smith and Walthall of the Senate; and messrs. Speaker, Allen of R. Baugh, Bowdon, Clarke, Clemens, Cook, Croom, Cooper, Dann, Garrett, Howard, Johnson, Judge, Kidd, Kittrell, McClung, Miree, Morrison, Mudd, Perry, Phillips, Portis, Rhodes, Scott of M. Smith of M. Snowden, Spencer, Storrs, Watts of D. and Webb.

Those who voted for *Mr. Renfrow*, are—messrs. Barnett, Bunting, Chandler, Gewin, Grady, Harris, Hill, Hobdy, Jackson, Jones of Benton, Kimbell, King, Lonsdale, Lea, Merrick, Mitchell of B. Mitchell of T. Perrine, Prince, Roby, Speight, Steele, Smith and Walker of the House.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a fourth time.

Those who voted for *Mr. Renfrow*, are—messrs. Ashe, Dent, Dougherty, Hardaway, Norris, Oliver and Spruill of the Senate, and messrs. Bunting, Chandler, Gewin, Harris, Hill, Hobdy, Jones of Benton, Jones of L. Kimbell, Lonsdale, Lea, Merrick, Perrine, Perry, Steele, Smith, Treadwell, Walker and Webb of the House.

Those who voted for *Mr. Lewis*, are—messrs. President, Arrington, Creagh, Dargan, Griffin, Marchbanks, Posey, Walker of B. Walker of L. Watrous, Watkins, Winston and Wilson of the Senate; and messrs. Aldridge, Alexander, Allen of B. Baker, Beck, Brandon, Clay, Cobb, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Hall, Hays, Inge, Jemison, Jones of Blount, Jones of C. Jones of F. Kennedy, Maples, Martin, Mason, Meriwether, Mitchell of B. Mitchell of T. Morrisett, Norman, Patton, Rose, Scott of J. Seawell, Smith of L. Speight, Watts of B. Williams of J. Winston, Woodward and Young.

Those who voted for *Mr. Smith*, are—messrs. Bishop, Fleming, Gilchrist, Harris, Hudson, McClanahan, Reese, Smith, Ward and Walthall of the Senate, and messrs. Speaker, Allen of R., Barnett, Baugh, Bell,

Bowdon, Clarke, Clemens, Cook, Cooper, Croom, Davis of L. Dunn, Garrett, Grady, Griffin, Howard, Jackson, Jones of Limestone, Judge, Kidd, King, Kittrell, Meriwether, Mitchell of B. Mitchell of T. Morrisett, Mudd, Phillips, Portis, Prince, Rhodes, Scott of M. Smith of M. Snowden, Spencer, Treadwell and Watts of Dallas.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a fifth time. The name of *Mr. Renfrow*, being withdrawn.

Those who voted for *Mr. Lewis*, are—messrs. President, Arrington, Ashe, Creagh, Dorgan, Griffin, Marchbanks, Moores, Norris, Oliver, Posey, Walker of B. Walker of L. Watrous, Watkins and Wilson of the Senate; and messrs. Aldridge, Alexander, Allen of B. Baker, Baugh, Beck, Brandon, Chandler, Clay, Cobb, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Gewin, Griffin, Hall, Harris, Hays, Hill, Inge, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kennedy, Landsdale, Lea, Maples, Martin, Mason, Meriwether, Merrick, Mitchell of B. Mitchell of T. Morrisett, Norman, Patton, Roby, Scott of J. Seawell, Smith of L. Stith, Treadwell, Watts of B. Williams of J. and Winston of the House.

Those who voted for *Mr. Smith*, are—messrs. Bishop, Dent, Dougherty, Fleming, Gilchrist, Hardaway, Harris, Hudson, McClanahan, Reese, Smith, Spruill, Ward, Walthall and Winston of the Senate; and messrs. Speaker, Allen of R. Barnett, Bowdon, Bunting, Clarke, Clemens, Cook, Cooper, Croom, Davis of L. Dunn, Grady, Hobdy, Howard, Jackson, Jemison, Johnson, Judge, Kidd, Kimbell, King, Kittrell, McClung, Miree, Morrison, Mudd, Perrine, Rhodes, Scott of M. Snowden, Speight, Spencer, Steele, Storrs, Walker, Watts of D. and Webb of the House.

*Mr. Lewis* having received a whole majority of the votes given,

Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Benton County, for the term prescribed by the constitution.

The two Houses proceeded next to elect a Chancellor for the Southern Division of Alabama—*Messrs. Anderson Crenshaw*, and *George W. Crabb*, being in nomination.

Those who voted for *Mr. Crenshaw*, are—messrs. Arrington, Creagh, Dent, Dougherty, Gilchrist, Griffin, Hardaway, Harris, Hudson, Moores, McAlpin, Norris, Oliver, Reese, Smith, Spruill of B. Walker of L. Ward, Watrous, Walthall, Watkins, Winston and Wilson of the Senate; and messrs. Allen of B. Baker, Barnett, Beck, Bunting, Chandler, Clarke, Cobb, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Hobdy, Howard, Jackson, Jemison, Jones of Franklin, Jones of Lawrence, Jones of Limestone, Judge, Kimbell, King, Kittrell, Landsdale, Mason, McClung, Mitchell of T. Morrisett, Mudd, Norman, Perrine, Portis, Prince, Rhodes, Rose, Scott of M. Smith of M. Snowden, Steele, Storrs, Treadwell, Walker, Watts of B. Watts of D. Winston and Young of the House of Representatives.

Those who voted for *Mr. Crabb*, are—messrs. President, Ashe, Bishop, Dargan, Fleming, Marchbanks, and Posey of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of R. Baugh, Bowdon, Brandon, Clemens, Davis of F. Davis of L. Dufresne, Edwards, Fletcher, Gamble, Gwin, Griffin, Hays, Inge, Johnson, Jones of Blount, Jones of Conecuh, Kennedy, Lea, Maples, Martin, Meriwether, Merrick, Miree, Mason, Perry, Phillips, Roby, Smith of M. Speight, Spencer, Stith, Webb, Williams of J. and Woodward, of the House.

*Mr. Crenshaw* having received a majority of the whole number of votes given,

Mr. Speaker declared him duly and constitutionally elected Chancellor for the Southern Division, for the time prescribed by the constitution.

The two Houses next proceeded to elect a Solicitor for the ninth Judicial Circuit.

*Thomas G. Garrett* alone being in nomination, and he having received one hundred and twenty-nine votes, that being the whole number given,

Mr. Speaker declared him duly and constitutionally elected Solicitor of the ninth Judicial Circuit, for the time prescribed by law.

The Senate then withdrew from the Hall of the House.

Mr. McClung, from the select committee, to draft rules, &c., made the following report:

Mr. Speaker—The select committee appointed on the part of the House to act with such committee as might be appointed on the part of the Senate, to prepare and report rules for the government of each House in interchanging messages, the manner of conducting a joint vote of the two Houses, and regulating committees of conference, have together with the committee appointed on the part of the Senate, had the subject of reference under their consideration, and have instructed me to report the accompanying rules and recommend their adoption.

The rules were adopted, and one hundred copies ordered to be printed for the House of Representatives.

On motion of Mr. Watts of B.,

*Resolved*, That the two Houses will assemble with the concurrence of the Senate in the Hall of the House on Tuesday next, at the hour of twelve o'clock, for the purpose of electing a Judge of the County Court of Pike county.

On motion of Mr. Bowdon,

*Resolved*, That the use of the Hall of the House of Representatives be tendered to Professor Brumby of the University, on Tuesday evening next, for the purpose of lecturing on the elements of Geology, and that he have the use of the Hall for that purpose, every alternate evening, until the course of his lectures shall be completed.

Mr. Phillips offered the following resolution:

*Resolved*, That henceforth until otherwise ordered, this House will

assemble at nine, A. M., and continue in session until half-past one each day; which lies over one day.

Mr. Martin moved to take from the table the report of the Commissioners appointed to examine the State Bank; which was carried.

Ordered, that two hundred copies of the report be printed for the use of the House.

Mr. Martin presented the report of the Commissioners appointed to examine the Branch Bank at Decatur; which was laid on the table, and and two hundred copies ordered to be printed for the use of the House.

On motion of Mr. Mitchell,

*Resolved*, That the doorkeeper be authorized to purchase one dozen plain chairs for the use of this Hall.

On motion of Mr. Morrisett,

*Resolved*, That the committee on apportionment be instructed to apportion the Representatives among the several counties of this State, according to a ratio that will make the House of Representatives consist of ——— members, and the Senate of ——— members.

Mr. Phillips moved to fill the first blank with "one hundred."

Mr. Perrine moved to postpone the further consideration of the resolution until to-morrow, and make it the special order for that day; which was carried:

And the House adjourned until eleven o'clock, to-morrow morning.

DECEMBER 10th, 1844.

House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from the Secretary of State, as follows:

SECRETARY OF STATE'S OFFICE, }  
TUSCALOOSA, December 10th, 1844. }

*Hon. A. B. Moore, Speaker of the House of Representatives:*

SIR—In obedience to a resolution of the House of Representatives, adopted on the sixth instant, I have prepared, and have the honor to transmit herewith, a tabular statement exhibiting the census or enumeration of the inhabitants of this State, as taken during the present year, distinguishing the white males under and over twenty-one years of age, the white females under and over twenty-one years of age; the total population distinguishing the whites, slaves, and free persons of color; the number of colleges, academies, and common schools, and the number of persons attending the same, and the number of persons subject to perform militia duty, arranged by counties; also, a compendium of the census, or enumeration of the inhabitants of this State, as made by State

authority, in the year eighteen hundred and thirty-eight, and by Federal authority in eighteen hundred and forty, distinguishing in each the total of white, slave, and free colored population, and an estimate showing the increase and decrease respectively, of whites, since the year eighteen hundred and thirty-eight compiled from returns and official documents in this office.

No returns have been received from the Counties of Sumter and Baldwin.

(Signed)

WM. GARRETT,  
*Secretary of State*

Ordered, that the statement be laid on the table, and two hundred copies be printed for the use of the House.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed a bill to provide for the more permanent location of the seat of Justice in the County of Marengo.

The Senate has also passed a bill from the House of Representatives, to enable the citizens of the town of Huntsville, to change the mode of electing a town constable.

The bill from the Senate to provide for the more permanent location of the seat of Justice in the County of Marengo; was read the first time and ordered to a second reading.

Mr. Jones of Benton, introduced a bill to incorporate the town of Jacksonville, in Benton county.

Mr. Jones of C., introduced a bill to provide for the payment of jurors in a certain county therein named.

Mr. Snowden introduced a bill, to amend an act to authorize the tax collector of Covington county to receive jury certificates only in payment of taxes, &c.

Mr. Merriek introduced a bill to change the number of the regiment of the A. M., in the County of Coffee.

Mr. Webb introduced a bill to abolish certain precincts in De Kalb county.

Mr. Webb introduced a bill to provide for a special term of the Commissioners' Court of Roads and Revenue in the County of De Kalb; which bills were severally read the first time and ordered to a second reading.

Mr. Speight presented the petition of sundry citizens of Henry county, in regard to the seat of justice in said county; which was referred to the committee on privileges and elections.

Mr. Speight introduced a bill to enable the people of Henry county to locate a seat of Justice for said county; which was read the first and second times forthwith, and referred to the committee on privileges and elections.

Mr. Judge introduced a bill to establish an election precinct in the County of Lowndes; which was read the first time and ordered to a second reading.

Mr. Clay presented a petition of sundry citizens of Madison county, in behalf of James Thomas of said county; which was referred to the committee on propositions and grievances.

Mr. Clay presented the account of the jailer of Madison county; which was referred to the committee on accounts.

Mr. Chandler introduced a bill to incorporate the trustees of the Bishop's Fund, in the diocese of Alabama; which was read the first time and ordered to a second reading.

Mr. Bunting presented the petition of sundry citizens of Pike county, in behalf of Charles J. Burnett; which was referred to the committee on propositions and grievances.

Mr. Lea introduced a bill to amend an act incorporating Uniontown, Perry county; which was read the first and second times forthwith, and referred to the committee on corporations.

Mr. Miree presented a petition from the Judge and Commissioners' of Roads and Revenue of Perry county, in regard to the jail in said county; which was referred to the delegation from Perry county.

Mr. Miree also presented the petition of the bar of Perry county, in regard to the Chancery system; which was referred to the judiciary committee.

Mr. Hays introduced a bill in relation to hawkers and pedlers.

Mr. Edwards introduced a bill to run and mark the line between the Counties of Jefferson and St. Clair; which was severally read the first time and ordered to a second reading.

Mr. Patton introduced a bill for the relief of the creditors of Peter Buckhart; which was read the first and second times forthwith, and referred to the committee on the judiciary.

Mr. Kimbell presented the account of the jailer of Talladega county; which was referred to the committee on accounts.

Mr. Kittrell introduced a bill to authorize James Dent and others, to erect a bridge across the Tallapoosa river, in Tallapoosa county; which was read the first and second time, and referred to the committee on corporations.

Mr. Martin presented the petition of sundry citizens of Tuscaloosa city, praying an amendment of their city charter; which was referred to the delegation from Tuscaloosa.

Mr. Beck presented the petition of sundry citizens of Monroe county, in behalf of Ralph Garner; which was referred to the committee on propositions and grievances.

Mr. Clemens, from the committee on the judiciary, to which was referred the bill to regulate official bonds, reported, that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Clemens, from the committee on the judiciary, to whom was referred the petition of sundry citizens of Pickens county, in relation to justices' courts, reported, that it would be inexpedient to legislate upon the subject.

Mr. Johnson moved to lay the report on the table; which was lost.  
The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the bill defining the time beyond which bills of exceptions shall not be certified and signed, reported the same back with amendments, and recommended its passage.

The amendments were concurred in.

Ordered, that the bill lie on the table

Mr. Clemens, from the same committee, to which was referred the bill to repeal and modify in part the law requiring the Judges of the Circuit Court to alternate, reported a substitute in lieu of the original bill, and recommended its passage.

Mr. Clay moved to lay the bill and amendment on the table.

Mr. Jones of F. moved to postpone the further consideration of the bill until Monday next, and make it the special order for that day; which was carried.

Mr. Clemens, from the same committee, to which was referred a resolution instructing them to inquire into the expediency of allowing defendants, in criminal cases, to take depositions, reported, that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred the petition of Peter Jone, reported, that it would be inexpedient to grant the prayer of the memorialist.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred the bill to regulate the compensation of witnesses, reported the bill and recommended its passage:

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to which was referred the bill for the relief of securities, reported, that it would be inexpedient to legislate upon the subject.

On motion of Mr. Cooper, the report and bill were laid upon the table

Mr. Walker, from the committee on the military, to which was referred a bill to attach a part of the Camden beat to the Woodville beat, in the county of Jackson, reported the bill and recommended its passage.

Mr. Jemison moved to recommit the bill to the committee on the military, with instructions to report a general bill.

Mr. Williams of J. moved to lay the motion of Mr. Jemison on the table; which was carried.

The bill was ordered to be engrossed for a third reading.

Mr. Jackson, from the committee on propositions and grievances, to which was referred the petition of N. B. Grayson, reported that it was inexpedient to legislate on the subject.

The report was concurred in.



Mr. Jackson, from the same committee, to which was referred the bill declaring Margaret Shegog a free dealer, &c. reported the bill and recommended its passage.

Mr. Phillips moved to lay the bill on the table; which was lost.

Mr. Mudd moved to postpone the bill indefinitely; which was lost.

The bill was ordered to be engrossed for a third reading.

Mr. Jackson, from the same committee, to which was referred the petition of J. M. Kennedy and others, of Randolph county, reported, that it was inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Jackson, from the same committee, to which was referred the petition of Catharine Keho, reported,

A bill for the relief of Catharine Keho, of Mobile county.

Mr. Dunn moved to postpone the bill indefinitely; which was lost.

The bill was ordered to a second reading.

Mr. Jackson, from the same committee, to which was referred the petition of sundry citizens of Benton county in behalf of Thomas E. Montgomery, of said county, reported,

A bill for the relief of Thomas E. Montgomery; which was read the first time, and ordered to a second reading.

Mr. Jackson, from the same committee, to which was referred the petition of sundry citizens of Barbour county, reported,

A bill for the relief of the purchasers of a certain sixteenth section; which was read the first time, and ordered to a second reading.

Mr. Rose, from the committee on the Penitentiary, made the following report:

The committee, to which was referred the bill and petition for the relief of Richard Porter, have had the same under consideration and after due deliberation thereon, have instructed me to report the bill and petition back to the House as inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the same.

Your committee cannot however, well close the subject of this report, without stating some of the reasons which have influenced their course upon this subject.

In the first place, there is no evidence furnished the committee, going to show that the said Richard Porter had not a fair and impartial trial before a jury of his own county, who surely were the best judges of his innocence or guilt, and with the evidence before them pronounced him guilty. Now, in the absence of all proof to the contrary, your committee could not but regard any interference on the part of the Legislature to disturb the verdict of a court and jury, as a dangerous precedent to set at this early day, and that too, as before stated, in the absence of all proof of innocence.

Your committee might here ask, for whose benefit was this man sent to the Penitentiary? Was it for his own, or was it for the benefit of society in general; if so, would not the object of the law be defeat-

ed if the Legislature should interpose its authority, and thereby convert the Legislature into a court of appeals.

Your committee deem it wholly unnecessary to make any further comment.

All of which is respectfully submitted.

The report was concurred in.

Mr. Martin, from the committee on the State Bank and Branches to which was referred so much of the Governor's message, as relating to the appointment of Commissioners to examine the State Bank and Branches, reported,

A bill to repeal the several acts, authorizing the appointment of Commissioners, to examine the State Bank and Branches; which was read the first time, and ordered to a second reading.

Mr. Phillips, from the committee on federal relations, made the following report :

The Committee on Federal relations, to whom was referred so much of the Governor's message, as relates to the indebtedness of the Federal Government to this State, for moneys advanced for military services and supplies, during the late Creek Indian hostilities have instructed me to report

That the joint resolutions approved thirty-first December, eighteen hundred and forty-one, authorizing the Governor to appoint a suitable agent to proceed to Washington for the purpose of liquidating and receiving the amount due to this State; that in pursuance of this authority the Governor appointed James E. Belser, of Montgomery County, the result of whose efforts is to be found in the passage of the act of Congress, August sixteenth, eighteen hundred and forty-two, by which it is enacted that the claims of this State for the sums expended should be audited by the Secretary of War and paid out of any moneys in the Treasury not otherwise appropriated, and the Secretary of State by said act is directed in case he should reject any portion of said claim, to report the same to the next Congress together with his reasons therefor.

With the passage of this act the agent seems to have considered his employment as ended, and owing to the want of authority in the Governor to employ further aid, and nothing has since been done to recover from the General Government the large sum always regarded by the Legislature as justly due the State.

The committee has therefore instructed me to report

A bill authorizing the Governor to appoint an agent to collect from the Federal Government the sums due to this State for advances on account of the Creek Indian hostilities; which was read the first time and ordered to a second reading.

Mr. Phillips, from the committee on the judiciary, to whom was referred so much of the Governor's message as proposes an amendment to the constitution providing for biennial session of the Legislature at

the joint resolutions to the same end, reported a substitute in lieu of the original resolutions and recommended its adoption.

The substitute was adopted, and ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate concurs in the resolution of the House proposing to elect a Judge of the County Court of Pike County, and have amended the same by striking out "Tuesday (this day) at twelve o'clock," and have inserted Saturday next at twelve o'clock, M.

The Senate has adopted the following resolution, in which they ask your concurrence:

*Resolved*, That with the concurrence of the House of Representatives the two Houses will assemble in the Hall of the House, on Wednesday, the eleventh instant, at twelve o'clock, M. for the purpose of electing a Solicitor for the Fourth Judicial Circuit, and a Solicitor for the Seventh Judicial Circuit.

The amendment of the Senate to the resolution of the House was concurred in, and the resolution of the Senate concurred in.

The hour of twelve having arrived the House proceeded to the special order of the day, it being the resolution offered by

Mr. Morrisett in regard to the apportionment of representatives—the question pending on the motion of Mr. Phillips to fill the first blank with "one hundred."

Mr. Jones of Sumter moved to lay the resolution on the table.

Mr. Cook moved to postpone the further consideration of the resolution until Friday next, at twelve o'clock, and make it the special order for that hour, which was carried.

On motion of Mr. Jones of Limestone,

*Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Hall of the House on Wednesday next, at twelve o'clock, for the purpose of electing a Judge for the County Court of Limestone County.

The engrossed bill, in relation to the payment of claims against the County of Sumter, was read the third time, and passed.

The bill for the relief of Jesse Cheek, was read the second time.

Mr. Davis of L. moved to amend as follows:

"*Provided* That said Cheek shall not sell the goods of any other person;" which was adopted.

The question was then taken on ordering the bill to be engrossed for a third reading, and lost.

The bill, for the relief of George W. Ptomey and others, in the county of Wilcox, was read the second time, and ordered to be engrossed for a third reading.

The bill for the support of paupers in the county of Randolph, was read a second time, and referred to a select committee, consisting of the delegation from the counties of Chambers, Randolph, Talladega and Montgomery.

The bill from the Senate, to prevent the Judges of the Circuit and County Courts from giving and signing bills of exceptions in vacation, was read the second time, and ordered to a third reading.

The bill to authorize the rescission of a certain contract therein named, was read the second time:

Mr. Perry moved an amendment to the bill: which was adopted.

On motion of Mr. Jemison, the bill was referred to the committee on the judiciary.

The bill to exempt certain property from execution, was read the second time.

Mr. Judge moved to amend as follows:

"Also, one razor, razor strop and brush, and one string of red pepper."

Mr. Fletcher moved to lay the amendment on the table:

Mr. Bell moved to lay the bill and amendment on the table.

A division of the question being called, it was first taken on laying the amendment on the table, and carried.

The question was then taken on laying the bill on the table, and lost—yeas 12—nays 75.

YEAS—messrs. Alexander, Bell, Brandon, Chandler, Dunn, Grady, Jones of Limestone, Judge, Kimball, Mitchell of T. Morrisett and Scott of M.

NAYS—messrs. Speaker, Aldridge, Allen of B. Barker, Barnes, Baugh, Beck, Bowdon, Bunting, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dufrese, Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones F. Jones of Lawrence, Kennedy, Kidd, King, Kittrell, Lansdale, Maples, Martin, Mason, McClung, Merrick, Murre, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Seawell, Smith of L. Smith of M. Snowden, Spensh, Steele, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Webb, Williams of J. Winston, Woodward and Young.

Mr. Bell moved to amend as follows:

"*Provided*, The said plates, dishes, cups and saucers, shall have been wrought out of wood."

Mr. Fletcher moved to lay the amendment on the table; which was carried.

Mr. Fletcher moved to amend, as follows:

"Also one coffee pot, two dishes, and two sets of plough gear."

Mr. Kittrell offered a joint resolution, authorizing the Governor to lend the use of certain camp equipage, &c. to the Greensboro Cavalry, and the Light Artillery Guards, which was read a first time, and ordered to a second reading.

And then the House adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, DECEMBER 11, 1844.

The House met pursuant to adjournment.

Mr. Speaker laid before the House, the report of the Commissioners appointed to examine the Branch Bank at Mobile; which was laid on the table, and two hundred copies ordered to be printed.

Mr. Jackson presented the petition of the Pentlala Vanguards; which was referred to the committee on the military.

Mr. Jones of Blount, introduced a bill for the relief of State witnesses, in the county of Blount; which was read the first and second times forthwith, and ordered to be engrossed.

Mr. Grady introduced a bill, to define what is a reasonable inability to exempt persons from road duty; which was read the first time, and ordered to a second reading.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled,

An act to enable the citizens of the Town of Huntsville, to change the mode of electing a Town Constable.

Mr. Portis introduced a bill to establish a Medical Board at the Town of Sugsville, in the county of Clarke; which was read the first time, and ordered to a second reading.

Mr. Portis presented the petition of sundry citizens of Clarke county, in regard to pay of county officers; which was referred to the judiciary committee.

Mr. Watts of D. introduced a bill to alter and amend the road laws.

Mr. Davis of F. introduced a bill to repeal in part and amend an act, entitled an act, for the relief of purchasers of sixteenth sections:

Mr. Kittrell introduced a bill for the relief of James F. May:

Which were severally read the first time, and ordered to a second reading.

Mr. Hays introduced a bill to repeal in part an act, taxing retailers, so as to reduce the same; which was read the first time, and lost, the House refusing to order it to a second reading.

Mr. Morrisett presented the accounts of Neal Beard and Samuel D. Beard; which were referred to the committee on accounts.

Mr. Rose presented the account of W. T. Hatchee; which was referred to the committee on accounts.

Mr. Perry presented a petition from sundry citizens of Morgan county, praying the passage of a law authorizing Joel W. Watkins to establish a ferry across the Tennessee river; which was referred to the committee on roads, bridges and ferries.

Mr. Stith introduced a bill, to regulate the rights and liabilities of husband and wife in regard to property.

Mr. Smith of L. moved to lay the bill on the table, and print one hundred copies, which was lost.

Mr. Smith moved to suspend the rule and give the bill a second reading forthwith; which was lost.

The bill was ordered to a second reading.

Mr. Allen of R. introduced a bill to regulate and equalize the taxes of retailers of spiritous liquors in this State.

Mr. Allen of R. introduced a bill to provide for paying Petit Jurors in the County of Randolph, &c.

Mr. Edwards introduced a bill, to abolish certain elections precincts therein named, and to establish others in lieu thereof, in the county of St. Clair.

Mr. Edwards also introduced a bill, to change the time of holding certain Courts therein named:

Mr. Griffin introduced a bill to establish an election precinct, in the County of Talladega, at the house of John P. Rowdon, in lieu of the precinct at Hudson's Mill; which bills were severally read the first time, and ordered to a second reading.

Mr. Kimbell presented the petition of Joseph C. Rawles; which was referred to a select committee composed of the delegation from the Counties of Tallapoosa and Talladega.

Mr. Mitchell of T. from the committee on roads, bridges, and ferries to whom was referred a resolution instructing them to inquire into the expediency of so amending the road law as to compel defaulters to make their excuses within the first five days after default; reported that was unnecessary to legislate upon the subject.

The report was concurred in.

Mr. Woodward, from the committee on County boundaries, to whom was referred the petition of Daniel Ruthers and others, of Benton County, praying to be attached to Talladega County, reported that it would be imprudent to grant the prayer of the petitioners.

The report was laid upon the table.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred so much of the Governor's message as relates to standard of weights and measures, reported

A bill, in relation to a standard of weights and measures, which was read the first time, and ordered to a second reading.

Mr. Jackson, from the same committee, to whom was referred the petition of sundry citizens of Tallapoosa Land District, in regard to a certain sixteenth section contract made by one Joseph R. Biddle with the Commissioners of Township nineteen, &c. reported

A bill to rescind a certain contract therein named; which was read the first time, and ordered to a second reading.

Mr. Jackson, from the same committee, to whom was referred the petition of sundry citizens of Clarke County, praying the passage of a law to prohibit trading with slaves, &c. reported

A bill concerning trading boats and their traffic with slaves in this State; which was read the first time and ordered to a second reading.

Mr. Lea, from the committee on divorce and alimony, to whom was

referred the record of divorce in the case of George W. Culver, *vs.* Sunnah Culver, reported that it would be inexpedient and improper to pass an act confirming the decree in said case.

The report was concurred in.

Mr. Lea, from the same committee, reported a bill, for the relief of Brittain McDaniel and Nancy Collins, of Fayette County; which was read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate concurs in the resolution of the House of Representatives, proposing to go into the election of a judge of the County Court of Limestone County, this day, at twelve o'clock.

Mr. Phillips, from the committee on federal relations, made the following report:

The committee on federal relations, to whom was referred the resolutions of the States of Georgia and Connecticut, on the subject of repudiation have unanimously instructed me to report that they have given the subject of the resolutions an attentive consideration, and in full view of the heavy debt under which this State now struggles, and of the onerous taxation necessary to its protection they are yet firm in the belief that the citizens of Alabama will redeem the plighted faith of their State at any and every cost. The committee therefore recommend the adoption of the following resolutions:

*Resolved*, That the preservation of National faith is the only guaranty for State government; that its violation must dissolve the political compact amidst anarchy which denies all obligations but such as force imposes; the great truth will be again proclaimed, that a people to be prosperous must be virtuous.

*Resolved*, That in possession of a territory, rich in mineral resources, admirably adapted to the production of the great staple of the South, abundantly supplied with water power for all manufacturing purposes, provided in an extraordinary degree with the commerce of accessible markets, and blessed with every variety of soil and climate, the people of Alabama are not only willing but able to maintain the high honor and credit which this State has always enjoyed.

*Resolved*, That this State concurs in the resolutions of the States of Georgia and Connecticut, denouncing repudiation of State debts by the States, and that the Governor be requested to forward a copy of the foregoing resolutions to the Governor of each of the several States, with a request that he would cause the same to be laid before their respective legislatures.

Mr. Clemens moved to amend as follows:

Strike out all after the word "*Resolved*," in the last section and insert the following: "That the Governor of this State be requested to forward a copy of the foregoing resolutions to the Governor of each State in the Union, requesting the same to be laid before their respective legislatures."

The hour of twelve having arrived, on motion of Mr. Woodward,  
*Resolved*, That the Senate be now invited into the Hall of the House  
 for the purpose of electing a Solicitor for the Fourth Judicial Circuit, a  
 Solicitor for the Seventh Judicial Circuit, and a Judge for the County Court  
 of Limestone County.

The Senate repaired to the Hall of the House.

The two Houses proceeded first to elect a Solicitor for the Fourth  
 Judicial Circuit.

*Edward A. O'Neil, John B. Sale, Richard W. Walker and George  
 P. Rice*, being in nomination.

Those who voted for *Mr. Walker*, are—messrs. Arrington, Crenshaw,  
 Dargan, Dent, Dougherty, Gilchrist, Griffin, Hardaway, Moores, McAlpin,  
 Norris, Oliver, Reese, Sellers, Spruill, Watrous and Winston of the  
 Senate; and messrs. Baker, Barnett, Beck, Bowdon, Bunting, Chandler,  
 Clarke, Clemens, Cook, Croom, Dufreese, Dunn, Garrett, Hall, Hobbs,  
 Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of C. Judge,  
 Kidd, Kimbell, King, Kittrell, Mason, Mirce, Mitchell of B. Mitchell  
 of T. Morrison, Mudd, Perry, Prince, Rhodes, Scott of J. Scott of  
 Seawell, Snowden, Stith, Storrs, Walker, Watts of W. Watts of D. A.  
 Williams of J. of the house.

Those who voted for *Mr. O'Neil*, are messrs. President, Asa  
 Bishop and Posey of the Senate; and messrs. Speaker, Alexander, Allen  
 of R. Baugh, Brandon, Clay, Davis of Fayette, Davis of Limestone, Jones  
 of F. Jones of Limestone, Lansdale, M. Clong, Meriwether, Morris,  
 Norman, Phillips, Smith of L. Speight, Winston and Young of the  
 house.

Those who voted for *Mr. Sale*, are—messrs. Harris, Hudson, Mark  
 banks, Walker of B. Walker of L. and Walthall of the Senate; and mes  
 Bell, Gewin, Grady, Harris, Hays, Hill, Jones of Lawrence, Kenne  
 Lea, Martin, Patton, Portis, Rose, Smith of Mar. Spencer, Steele, V  
 son, Webb and Woodward of the house.

Those who voted for *Mr. Rice*, are—messrs. McClanahan, S  
 Ward and Wilson of the Senate; and messrs. Aldridge, Allen of Beau  
 Cobb, Cooper, Edwards, Fletcher, Gamble, Griffin, Inge, Jones of Blount  
 Maples, Merrick and Perry of the house of Representatives.

Neither of the candidates having received a majority of the whole  
 number of votes given, the two houses proceeded to vote a second  
 time:

Those who voted for *Mr. Walker*, are—messrs. Arrington, Crenshaw,  
 Dent, Dougherty, Gilchrist, Griffin, Hardaway, Moores, McAlpin,  
 Norris, Oliver, Reese, Sellers, Spruill, Ward, Watrous and Winston  
 of the Senate; and messrs. Speaker, Baker, Barnett, Beck, Bowdon,  
 Bunting, Chandler, Clarke, Clemens, Cook, Dufreese, Dunn, Garrett,  
 Hall, Harris, Hobbs, Howard, Jackson, Jemison, Johnson, Jones of  
 Benton, Jones of Conecuh, Judge, Kidd, Kimbell, King, Kittrell,  
 Mason, Mitchell of B. Mitchell of T. Morrison, Mudd, Perrine, Prince,  
 Rhodes, Scott of J. Scott of Macon, Seawell, Snowden, Stith, Storrs



**Walker, Watts of Butler, Watts of Dallas, and Williams of J., of the House.**

Those who voted for *Mr. O'Neil*, are—messrs. President, Ashe, Bishop and Posey of the senate; and messrs. Alexander, Allen of B. Allen of R. Baugh, Brandon, Cobb, Davis of L. Jones of Franklin, Jones of Limestone, Lansdale, McClung, Meriwether, Merrick, Miree, Morrisett, Norman, Phillips, Smith of L. Winston, and Young of the House.

Those who voted for *Mr. Sale*, are—messrs. Dargan, Harris, Hudson, Marchbanks, Walker of B. Walker of L. and Walthall of the Senate; and messrs. Bell, Clay, Davis of F. Gamble, Gewin, Grady, Hays, Hill, Jones of Lawrence, Kennedy, Lea, Martin, Patton, Portis, Rose, Smith of mar. Speight, Spencer, Steele, Vinson, Webb, and Woodward of the house of Representatives.

Those who voted for *Mr. Rice*, are—messrs. McClanahan, Smith and Wilson of the senate; and messrs. Aldridge, Cooper, Edwards, Fletcher, Griffin, Inge, Jones of Blount, Maples, Perry and Roby of the house.

Neither of the candidates having received a majority of the whole number of votes given, the two houses proceeded to vote a third time.

The name of *Mr. Rice*, having been withdrawn.

Those who voted for *Mr. Walker*, are—messrs. Arrington, Creagh, Dent, Dougherty, Gilebrist, Griffin, Hardaway, Moores, McAlpin, Norris, Oliver, Reese, Sellers, Spruill, Ward and Watrous of the Senate; and messrs. Speaker, Baker, Barnett, Beck, Bowdon, Bunting, Chandler, Clarke, Clemens, Cook, Cooper, Croon, Dufreese, Dunn, Garrett, Hill, Harris, Hobdy, Howard, Jackson, Jemison, Johnson, Jones of Benton, Judge, Kidd, Kimbell, King, Kirtland, Mason, Mitchell of B. Mitchell of T. Morrison, Mudd, Parline, Perry, Prince, Rhodes, Roby, Scott of J. Scott of M. Seawell, Snowden, Smith, Storrs, Walker, Watts of B. Watts of D. and Williams of J. of the House.

Those who voted for *Mr. O'Neil*, are—messrs. President, Ashe, Bishop and Posey, of the Senate; and messrs. Alexander, Allen of R. Baugh, Brandon, Cobb, Davis of L. Edwards, Fletcher, Inge, Jones of Blount, Jones of F. Jones of Limestone, Lansdale, McClung, Miree, Norman, Phillips, Smith of L. Vinson and Winston of the House.

Those who voted for *Mr. Sale*, are—messrs. Dargan, Harris, Hudson, Marchbanks, McClanahan, Smith, Walker of B. Walker of L. Walthall, and Wilson of the Senate; and messrs. Aldridge, Allen of B. Bell, Clay, Davis of F. Gamble, Gewin, Grady, Griffin, Hays, Hall, Jones of C. Jones of Lawrence, Kennedy, Lea, Maples, Martin, Meriwether, Merrick, Patton, Portis, Rose, Smith of M. Speight, Spencer, Steele, Webb, Woodward and Young of the House.

***Mr. Walker* having received a majority of the whole number of votes given:**

Mr. Speaker declared him duly and constitutionally elected Solicitor of the fourth judicial circuit, for the term prescribed by law.

The two Houses proceeded next to elect a Solicitor for the seventh judicial circuit.

*E. W. Pettus, and Henry L. Ward*, being in nomination.

Those who voted for *Mr. Pettus*, are—messrs. President, Arrington, Ashe, Bishop, Creagh, Dargan, Dent, Dougherty, Hardaway, Harris, Hudson, Marchbanks, Moores, McAlpin, McClanahan, Norris, Oliver, Posey, Reese, Sellers, Walker of B. Walker of L. Watkins and Wingo of the Senate; and messrs. Speaker, Baugh, Beck, Bowdon, Bunting, Chandler, Cooper, Croom, Davis of L. Duffrese, Dunn, Gamble, Grady, Griffin, Hall, Hobdy, Howard, Inge, Jackson, Jones of F. Jones of Limestone, Judge, Kidd, Kittrell, Kidd, Kittrell, Martin, Mason, Menzies, Merriek, Moore, Morrisett, Mr. Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Rose, Rose, Seawell, Storrs, Vinson, Walker, Watts of B. Watts of D. Weston and Woodward of the House.

Those who voted for *Mr. Ward*, are—messrs. Fleming, Gilchrist, Griffin, Smith, Spruill, Ward, Walthall and Wilson of the Senate; messrs. Aldridge, Allen of B. Allen of R. Baker, Barnett, Bell, Brandon, Clarke, Clay, Clemens, Cobb, Cook, Davis of F. Edwards, Fletcher, Garrett, Harris, Hays, Hill, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Lawrence, Kennedy, Lansdale, Lea, Maples, McClung, Mitchell of B. Mitchell of T. Morrison, Scott of J. Scott of Snowden, Speight, Spencer, Steele, Stith, Webb, Williams of J. Young of the House.

*Mr. Pettus* having received a majority of the whole number votes given, Mr. Speaker declared him duly and constitutionally elected Solicitor of the Seventh Judicial Circuit, for the time prescribed by law.

The two Houses proceeded next to elect a Judge of the County Court of Limestone county:

*Treadwell B. Nelson and Robert Brickell*, being in nomination.

Those who voted for *Mr. Brickell*, are—messrs. Arrington, McAlpin, Norris, Reese and Walker of L. of the Senate; and messrs. Barnett, Baugh, Bowdon, Bunting, Clarke, Clemens, Cook, Croom, Davis of L. Dunn, Gewin, Harris, Hill, Howard, Jones of Benton, Jones of Franklin, Judge, Kidd, Kittrell, Martin, Mason, Mitchell of T. Perrine, Portis, Prince, Rhodes, Rose, Snowden, Storrs, Vinson, Walker, Watts of B. Watts of Dallas, and Winston of the House.

Those who voted for *Mr. Nelson*, are—messrs. President, Ashe, Bishop, Creagh, Dargan, Dent, Dougherty, Fleming, Gilchrist, Graham, Hardaway, Harris, Hudson, Moores, McClanahan, Oliver, Posey, Sellers, Smith, Spruill, Walker of B. Walthall, Watkins and Winston of the Senate; and messrs. Speaker, Aldridge, Allen of R. Baker, Beck, Bell, Brandon, Chandler, Cobb, Cooper, Davis of F. Duffrese, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hobdy, Jack

son, Jemison, Johnson, Jones of Blount, Jones of Lawrence, Jones of Limestone, Kennedy, King, Lansdale, Lea, Maples, McClung, Merwether, Merrick, Miree, Morrison, Mudd, Norman, Perry, Phillips, Roby, Scott of J. Scott of Macon, Seawell, Smith of Macon, Speight, Spencer, Steele, Stith, Williams of J. Woodward and Young of the House.

*Mr. Nelson* having received a majority of the whole number of votes given, *Mr. Speaker* declared him duly and constitutionally elected Judge of the County Court of Limestone County, for the term prescribed by the Constitution.

The Senate then withdrew.

The House resumed the consideration of the resolution reported this morning by *Mr. Phillips*, from the committee on Federal relations—the question pending on the amendment offered by *Mr. Clemens*.

*Mr. Clemens* moved that the further consideration of the resolution be postponed until to-morrow at twelve o'clock, and made the special order for that hour; which was carried.

And then the House adjourned until to-morrow morning, ten o'clock.

DECEMBER 12, 1844.

The House met pursuant to adjournment.

*Mr. Aldridge* moved to reconsider the vote taken yesterday evening, on the report of the committee on divorce and alimony, on the decree in the case of *George Culver vs. Susanna Culver*; which was carried.

Ordered, that the report lie on the table; that the record be referred to a select committee, consisting of the delegation from the counties of Blount and Marshall.

*Mr. Kirtrell* offered the following resolution:

*Resolved*, That the State Printer be required to print one hundred additional copies of the Comptroller's annual report for the use of this House.

*Mr. Stith* moved to strike out the word "one hundred," in the resolution, and insert "one thousand;" which was lost.

*Mr. Allen of R.* moved to strike out the word "one," and insert "five;" which was carried:

And the resolution as amended was adopted.

A message from the Governor, by *Mr. Garrett*:

*Mr. Speaker*—I have the honor to inform the General Assembly, that the Hon. J. D. Lister has resigned the office of Judge of the County Court of Washington county.

(Signed)

BEN. FITZPATRICK.

Hon A. B. MOORE, Speaker of the House of Representatives.

Ordered, that the message be laid on the table.

Mr. Martin presented the report of the President of the Branch at Mobile; which was laid on the table, and two hundred copies ordered to be printed.

Mr. Hall introduced a bill to compensate Edward Lancaster for improvement of Bear Creek, in Baldwin county; which was read the first time, and ordered to a second reading.

Mr. Aldridge presented the petition of sundry citizens of Blount county, in behalf of Thomas H. Camp and his associates, praying that they might be authorized to construct a certain road therein named, which was referred to the committee on roads, bridges and ferries.

Mr. Cooper introduced a bill for the final adjustment of the difficulties which exists amongst the citizens of Cherokee county, upon the subject of the present location of the county site for said county:

Mr. Jones of C. introduced a bill to authorize the election of eight Commissioners of the court of roads and revenue, in the county of Coffee:

Mr. Rose introduced a bill for the relief of Vines Smith:

Mr. Merrick introduced a bill to locate permanently the county seat of Coffee county, &c:

Which were severally read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—I am instructed to inform your Honorable body that the Senate has passed a bill of the following title, which originated in that body, and in which the concurrence of the House of Representatives is requested, to wit:

A bill to be entitled an act, to authorize Lewis Wyeth, executor of the last will and testament of John Allen, deceased, to pay over the distributive share of Laura Allen, minor child of said decedent, to David A. Smith, her guardian:

The Senate has passed a bill from the House to be entitled an act, to extend the time of the county court of Perry county.

The Senate has also passed the following resolution, to wit:

*Resolved*, That with the concurrence of the House of Representatives the two houses will assemble in the Hall of the House on to-morrow, the thirteenth instant, at twelve o'clock, M. for the purpose of electing a solicitor for the fifth Judicial Circuit.

The bill from the Senate, to authorize Louis Wyeth, executor of the last will and testament of John Allen, deceased, to pay over the distributive share of Laura Allen, minor child of said decedent, to David A. Smith, her guardian, was read the first time and ordered to a second reading.

The question was then on concurring in the resolution of the Senate proposing to elect a solicitor for the fifth Judicial Circuit to-morrow, twelve o'clock, M.

Mr. Inge moved to amend by adding,

“Also a Solicitor for the sixth Judicial Circuit;” which was lost.

The resolution was concurred in.

Mr. Walker presented the petition of Elmira E. Jones; which was referred to the committee on the judiciary.

Mr. Gewin presented the petition of sundry citizens of Lawrence county, in behalf of Adam Love; which was referred to the delegation from Lawrence.

Mr. Smith of M. presented the account of J. C. Dubose; which was referred to the committee on accounts.

Mr. Chandler introduced a bill for the relief of Fredrick Perquet, Perquet Aine, and Fredrick Perquet, jr.

Mr. Hobdy introduced a bill for the relief of Levi Freeman; which were severally read the first time and ordered to a second reading.

Mr. Lansdale presented the petition of Solomon Siler and others, praying an appropriation for the improvement of Conecuh river; which was referred to the committee on internal improvement.

Mr. Speaker laid before the House a communication from the Comptroller transmitting sundry accounts audited.

The communication and accounts, were referred to the committee on accounts.

Mr. Martin presented a document containing information in regard to the Chancery Court held in and for the Twenty-third District, Middle Division; which was referred to the committee on the judiciary.

Mr. Scott of J. from the committee on accounts, to whom was referred the petition of Weeks Pippin, reported the same back to the House and recommended that it be referred to the committee on propositions and grievances.

The petition was referred to said committee.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency has this day approved a bill to be entitled

“An act to enable the citizens of the Town of Huntsville to change the mode of electing a Town Constable,” which originated in the House.

Mr. Scott of J. from the committee on accounts, to whom was referred the account of L. Dennis, Jailer of Tallapoosa County, reported the same as not properly audited.

Ordered, that Mr. Kimbell have leave to withdraw the account.

Mr. Scott of J. from the same committee, reported the account of Wm. G. Barton as not audited.

The report was concurred in.

Mr. Phillips, from the Judiciary committee, to which was referred the petition of sundry citizens of Mobile, praying that the salary of the Judge of said county might be increased, reported

A bill to increase the salary of the Judge of the County Court of Mobile County; which was read the first time, and ordered to a second reading.

Mr. Scott of J. from the committee on accounts, to whom was referred the account of George B. Saunders, reported the same as not audited. Ordered, that the report lie on the table.

Mr. Scott of J. from the committee on accounts, to whom was referred the petition of Thomas L. Harvey, reported the same to the House and recommended that it be referred to the committee on propositions and grievances.

Ordered that the report lie on the table.

Mr. Watts of B. from the committee on the military, to whom was referred the petition of sundry citizens of Marion County, reported

A bill to establish a Military Beat with a less number than forty privates; which was read the first time and ordered to a second reading.

Mr. Aldridge, from the select committee, to whom was referred the petition of H. G. K. Shannon reported that it was inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Barnett, from the select committee, to whom was referred the petition of sundry citizens of Chambers, Marion and Russell Counties, reported

A bill to authorize the establishment of a Medical College at Wetumpka; which was read the first time, and ordered to a second reading.

Mr. Bowdon, from the select committee, consisting of the delegation from Talladega and Tallapoosa Counties, to whom was referred the petition of Joseph Rowles, reported

A bill to compensate Joseph C. Rowles, Sheriff of Tallapoosa County, for certain services therein mentioned; which was read the first time, and ordered to a second reading.

Mr. Johnson, from a select committee, to whom was referred the petition for the benefit of Elizabeth Tier, reported

A bill for the relief of Elizabeth Tier; which was read the first time and ordered to a second reading.

Mr. Scott of J. from the select committee, to whom was referred the petition of the Jackson County Guards, reported

A bill to permit the Jackson County Guards to remain a corporate body, with a less number than forty privates, &c; which was read a first time, and ordered to a second reading.

Mr. Stith, from the select committee, to whom was referred the bill to require the Clerks of Pickens County, to keep a reversed index to the several books, reported

A substitute in lieu of the original bill, and recommended its passage; the amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Lea, from the committee, on divorce and alimony; reported,

A bill to divorce certain persons therein named, which was read the first time and ordered to a second reading.

Mr. Clemens offered the following preamble and joint resolutions:

WHEREAS, we believe it to be proper and right, that the Representative should from time to time, be advised of the opinions and wishes of his Constituents: and whereas, we regard the present time peculiarly proper for the expression of such opinions; now therefore,

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That we hold it to be true, that the American people, after full deliberation, have decided against any amendment to the Constitution, altering or abolishing the Veto Power.

2. *Resolved,* That the scheme of distributing the proceeds of the sales of the Public Lands among the several States, has, as it should have done, met the condemnation of an indignant people.

3. *Resolved,* That unjust and unequal taxation, in the form of a high Protective Tariff, has met no favor at the hands of the people, and we hail, with the highest satisfaction this evidence of the soundness of public opinion.

4. *Resolved,* That the Tariff Act of eighteen hundred and forty-two, is in the highest degree oppressive and burdensome, taxing the many for the benefit of the few, oppressing the poor and favoring the rich, blighting the prosperity of the South, and creating dangerous sectional divisions and jealousies.

5. *Resolved,* That the people of Texas are entitled of right to a place among the nations of the earth; her revolutionary struggle established her independence, and undisputed possession of the Territory for more than eight years, has demonstrated her ability to maintain that independence.

6. *Resolved,* That neither Mexico nor England, nor any other power has a right to complain if Texas should be re-annexed to this Union; and we hold it to be our duty to resist to the utmost extremity all foreign interference.

7. *Resolved,* That wisdom, sound national policy, safety at home, and respectability abroad, demand the immediate re-annexation of Texas to this Union.

8. *Resolved,* That a National Bank is unconstitutional and inexpedient.

9. *Resolved,* That our Senators in Congress be instructed, and our Representatives requested, to advocate and sustain on all suitable occasions the views and opinions herein set forth.

10. *Resolved,* That the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress; and a copy to the Governor of each State in the Union, with a request that it be laid before the Legislature of his State.

Mr. Jackson moved to amend as follows, to come in after the eighth resolution:

*Resolved,* That the true policy of the United States requires that the

joint occupancy of Oregon, by the United States and England, should cease: *And resolved*, that the title of the United States to the territory of Oregon is clear and indisputable.

The amendment was adopted.

Mr. Cooper moved to amend as follows:

“And we hold no man a good democrat who is in favor of the Tariff of eighteen hundred and forty-two, and opposed to the annexation of Texas.”

Mr. Clemens moved the previous question, which was sustained.

A division of the question being called, it was first taken on the first resolution.

The first resolution was adopted—yeas 64, nays 30.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Allen of B. Baker, Beck, Bell, Bowdon, Brandon, Clay, Clemens, Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of F. Jones of Lawrence, Jones of Limestone, Kidd, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of B. Morrison, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Speight, Spencer, Steele, Stith, Treadwell, Vinson, Walker, Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Barnett, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Howard, Jemison, Johnson, Judge, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Mudd, Perrine, Prince, Rhodes, Scott, of M. Smith of M. Snowden, Storrs, Watts of B. and Watts of D.

The second resolution was adopted,—yeas 63 nays 34.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of B. Morrison, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Speight, Spencer, Steele, Stith, Treadwell, Vinson, Walker, Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Baker, Barnett, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Howard, Jemison, Johnson, Judge, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Mudd, Perrine, Prince, Rhodes, Scott of M. Smith of M. Snowden, Storrs, Watts of B. and Watts of D.

The third resolution was adopted—yeas 66, nays 30.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Allen of B. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of B. Morrison, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Speight, Spencer, Steele, Stith, Treadwell, Vinson, Walker, Webb, Williams of J. Winston, Woodward and Young.



Gewin, Griffin, Hays, Hobdy, Inge, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of L. Jones of L. Lea, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of B. Morrison, Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Speight, Spencer, Steele, Stith, Treadwell, Vinson, Walker, Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Baker, Barnett, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Howard, Jemison, Judge, Kidd, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Perrine, Prince, Snowden, Scott of M. Rhodes, Storrs, Watts of B. and Watts of D.

The fourth resolution was adopted—yeas 64—nays 31.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen of Benton, Allen of R. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Inge, Jackson, Jones of Blount, Jones of Benton, Jones of Con. Jones of Franklin, Jones of Lawrence, Jones of Limestone, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of B. Morrison, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Speight, Spencer, Steele, Stith, Treadwell, Vinson, Walker, Webb, Williams of J. Winston, Woodward and Young.

NAYS—Messrs. Baker, Barnett, Clarke, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Howard, Jemison, Johnson, Judge, Kidd, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Mudd, Perrine, Prince, Rhodes, Scott of M. Snowden, Storrs, Watts of B. and Watts of D.

The fifth resolution was adopted—yeas 75—nays 20.

YEAS—messrs. Speaker, Alexander, Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cooper, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Howard, Inge, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Limestone, Jones of Lawrence, Kidd, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of B. Morrisett, Morrison, Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Clarke, Cook, Croom, Dunn, Grady, Hall, Harris, Hill, Jemison, Judge, Kimball, King, Kittrell, Mason, Mitchell of T. Prince, Rhodes, Scott of M. and Watts of D.

The sixth resolution was adopted—yeas 72—nays 23.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Davis of F. Davis L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Howard, Inge, Jackson, Jones of Ben-

ton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kidd, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Mitchell of B. Morrisett, Morrison, Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Baker, Barnett, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Jemison, Johnson, Judge, Kimbell, King, Kittrell, Mitchell of T. Perrine, Prince, Rhodes, Scott of M. and Watts of D.

The seventh resolution was adopted—Yeas 71—Nays 23.

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen of R. Allen of B. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Howard, Inge, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of Con. Jones of F. Jones of Lawrence, Jones of Limestone, Kidd, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of B. Morrison, Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Webb, Williams of J. Winston Woodward and Young.

NAYS—messrs Baker, Barnett, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Jemison, Judge, Kimbell, King, Kittrell, Mason, Mitchell of T. Perrine, Prince, Rhodes, Scott of M. and Watts of D.

The eighth resolution was adopted.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of B. Norman, Patton, Perry, Phillips, Portis, Roby, Scott of J. Seawell, Smith of L. Speight, Spencer, Steele, Stith, Treadwell, Vinson, Walker, Webb Winston, Woodward and Young.

NAYS—messrs. Baker, Barnett, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Howard, Jemison, Johnson, Judge, Kidd, Kimbell, King, Kittrell, Mason, Mitchell of F. Morrisett, Morrison, Mudd, Perrine, Prince, Rhodes, Rose, Scott of M. Smith of L. Snowden, Storrs, Watts of B. and Walker of D.

The ninth resolution was then adopted.

The tenth resolution and the preamble, was also separately adopted.

Ordered that the resolution be sent to the Senate for its concurrence.

The hour of twelve having arrived Mr. Judge moved to suspend the orders of the day that he might introduce certain joint resolutions.

The motion was lost—Yeas 40—Nays 53.

YEAS—messrs. Baker, Barnett, Clarke, Cook, Cooper, Crooin, Davis of L. Dunn, Grady, Hall, Harris, Hill, Howard, Judge, Jemison, Johnson, Jones of F. Jones of Lawrence, Judge, Kidd, Kimbell, King, Kittrell, Mason, Mitchell of F. Morrisett, Morrison, Mudd, Perrine, Portis, Pnce, Rodes, Scott of M. Smith of M. Snowden, Stith, Storrs, Watts of B. and Watts of D.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Bugh, Beck, Bell, Brandon, Bowdon, Chandler, Clay, Clemens, Davis of F. Fretener, Edwards, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of Limestone, Lansdale, Lea, Maples, McClung, Meriwether, Merrick, Norman, Perry, Phillips, Roby, Rose, Scott of J. Seawell, Smith of L. Speight, Spencer, Steele, Treadwell, Vinson, Walker, Webb, Williams of J. Winston, Woodward and Young.

The House resumed the consideration of the special orders, it being the resolution reported by Mr. Phillips, from the committee on federal relations.

On leave being granted,

Mr. Clemens withdrew his amendment, and the question being on the adoption of the resolution.

And then the House adjourned until to-morrow morning, at ten o'clock.

DECEMBER 13th, 1844.

The House met pursuant to adjournment.

Thomas Williams, Jr., a member elect from the County of Montgomery, appeared within the Hall of the House, was qualified, and took his seat.

Mr. Woodward presented the census returns from the County of Sumter; which was referred to the committee on apportionment.

Mr. Young introduced a bill to regulate the pay of jurors in the County of Butler.

Mr. Allen of B., introduced a bill to regulate the pay of petit jurors in the County of Butler.

A message from the Senate, by Mr. Marrast:

Mr. Speaker,—I am instructed to inform your honorable body of the passage of the following bills by the Senate, in which they ask your concurrence:

A bill to define the compensation of jurors and witnesses in the County of Chambers, and for other purposes:

A bill in relation to road duties:

A bill to enable the President and Directors of the Dayton Literary Association, to confer degrees, &c.:

A bill for the relief of Sally Clopton:

The Senate has also passed a bill from the House of Representatives, entitled,

An act to emancipate slave Gertrude.

The bill from the Senate for the relief of Sally Clopton:

The bill from the Senate to enable the President and Directors of the Dayton Literary Association, to confer degrees, &c.:

The bill from the Senate to define the compensation of jurors and witnesses in the County of Chambers, and for other purposes:

Were severally read the first time and ordered to a second reading.

The Bill from the Senate in relation to road duties, was read the first time and ordered to a second reading.

Mr. Watts of B., introduced a bill to authorize the courts of roads and revenue of Butler county, to levy a special tax.

Mr. Portis introduced a bill to permit the taking testimony by deposition, in the Counties of Monroe, Clarke and Washington, and reciprocally in the county and city of Mobile:

Mr. Jones of F., introduced a bill for the payment of State witnesses:

Mr. Croom introduced a bill to authorize the Governor to exchange the stock belonging to the State in the Bank of Mobile, for an equal or larger amount of State bonds:

Which were severally read the first time and ordered to a second reading.

Mr. Walker presented the account of A. P. Galloway; which was referred to the committee on accounts.

Mr. Clemens introduced a bill to confer upon Courts of Chancery power to make married women free dealers in certain cases; which was read the first and second times forthwith, and referred to the committee on the judiciary.

A message from the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
DECEMBER 13th, 1844. }

SIR—I have to inform the General Assembly that a vacancy has occurred in the Board of Trustees of the University of Alabama, by the resignation of F. M. Roby, Esq., of the fourth judicial circuit.

(Signed)

BEN. FITZPATRICK.

*Hon A. B. Moore, Speaker of the House of Representatives.*

Ordered, that the message lie on the table.

Mr. Seawell introduced a bill to divide the forty-eighth regiment Alabama militia:

Mr. Howard introduced a bill to change the mode of assessing tax in the County of Monroe; which were severally read the first time and ordered to a second reading.

Mr. Bunting presented the memorial of J. M. Goodwin; which was referred to the committee on propositions and grievances.

Mr. Stith introduced a bill to extend the terms of the Circuit Court of Pickens county, and to change the time of holding the Circuit Court

of Sumter; which were read the first time and ordered to a second reading.

Mr. Barnett presented the petition of F. M. Ingersoll; which was referred to the committee on propositions and grievances.

Mr. Edwards introduced a bill to amend the law in relation to retailers of spirituous liquors in the County of St. Clair, and for other purposes; which was read the first time and ordered to a second reading.

Mr. Edwards introduced a bill to reduce the wages and mileage of the members of the Legislature.

Mr. Clemens moved to lay the bill on the table.

Mr. Davis of L., moved to postpone the further consideration of the bill until Thursday, the twenty-third instant, and make it the special order for that day; which was carried.

Mr. Griffin presented the petition of sundry citizens of Talladega, praying the Legislature to incorporate the town of Talladega; which was referred to the committee on corporations.

Mr. Kimbell presented the account of Lemuel Dearing, jailer of Tallapoosa county; which was referred to the committee on accounts.

Mr. Jemison introduced a bill for the relief of John R. Ware and Lawson Williford, with petitions relating to the same subject:

The bill was read the first and second time forthwith, and referred to the committee on accounts.

Mr. Speaker laid before the House a communication from the Comptroller of Public Accounts, transmitting sundry accounts audited; which was referred together with the accounts to the committee on accounts.

Mr. Clemens, from the committee on the judiciary, to whom was referred the bill to authorize the rescission of a certain contract therein named, reported that it would be inexpedient to pass the bill.

Ordered, that the report and bill lie on the table.

Mr. Clemens, from the same committee, to whom was referred the bill for the relief of James Lacy and Betty Lowe, of Fayette county, reported that it would be inexpedient to pass the bill.

The House refused to concur in the report, and ordered the bill to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred the petition of sundry citizens of Clarke county, in relation to the fees of officers in said county, reported the petition back to the House, and asked to be discharged from the further consideration of the subject.

Ordered, that the committee be discharged.

Mr. Jackson, from the committee on propositions and grievances to whom was referred the bill for the benefit of Mrs. Casey Snead, of the County of Limestone, reported that it was inexpedient to pass the bill.

The House refused to concur in the report of the committee, and ordered the bill to be engrossed for a third reading.

Mr. Jackson, from the same committee, to whom was referred the peti-

tion of James Thomas and others, of Madison county, reported unfavorably to the petitioners.

Ordered, that the report and petition lie on the table.

Mr. Jackson, from the same committee, to whom was referred the petition of Wm. Tillman, reported unfavorably to the petitioners.

Ordered, that Mr. Hobdy have leave to withdraw the petition.

The report was concurred in.

Mr. Jackson from the same committee to whom was referred the petition of John Garner and others, reported,

A bill for the relief of John Garner, which was read the first time and ordered to a second reading.

On motion of Mr. Jones of Benton,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill requiring the prosecutor to give bond with security for the final payment of costs in all frivolous and malicious prosecutions which may be commenced in this State.

On motion of Mr. Jones of Benton,

*Resolved*, That the committee on county boundaries be instructed to report a bill to repeal the act passed and approved twenty-seventh January, eighteen hundred and forty-three, entitled an act to repeal in part an act entitled an act to attach a part of Benton county to Talladega county, and for other purposes, approved December twenty-third, eighteen hundred and thirty-six, and to attach that portion of the County of Cherokee, mentioned in said act, to the County of Benton.

On motion of Mr. Jones of Limestone,

*Resolved*, That the committee on the State Bank and Branches be instructed to report to this House, at as early a day as practicable, the amount of the State bonds for which the Banks are severally bound, the time when sold, the time and place of payment, and the interest they bear.

On motion of Mr. Croom,

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of dispensing with bond and security by executors and executrixes, whenever the same shall be desired by testators and testatrixes in their late wills and testaments.

Mr. Cook offered the following resolution :

*Resolved*; That the committee on education, be instructed to inquire into the expediency of reinvesting the sixteenth section fund in real estate, for the use and benefit of the several townships in this State, and report by bill or otherwise.

Mr. Davis of L. moved to lay the resolution on the table; which was lost, and the resolution was then adopted.

Mr. Jones of C. introduced joint resolutions, proposing an amendment to the constitution; which were read the first time and ordered to second reading.

Mr. Garrett introduced joint resolutions, proposing to alter the thirteenth section of the sixth article of the constitution; which were read the first time and ordered to a second reading.

On motion of Mr. Portis,

*Resolved*, That with the concurrence of the Senate, the two houses will assemble in the Hall of the House, to elect a Judge of the county court of Clarke county, on Monday next, the sixteenth instant, at twelve o'clock.

Mr. Allen of R. offered the following resolution:

*Resolved*, That the committee on internal improvement, be instructed to inquire into the expediency of passing a law authorizing the Governor to employ a suitable engineer to examine the Tallapoosa river, and report whether or not it be a navigable stream, and if so, to what extent—and further, whether any improvement be practicable at any early period or not; and that said report be made to the Speaker of the House of Representatives of this State, during the first week of its next General Assembly, accompanied by an estimate of the probable cost of said proposed improvement, if any be recommended.

Mr. Dunn moved to lay the resolution of the table; which was carried.

On motion of Mr. Portis.

*Resolved*, That the Senate be now invited into the Hall of the House for the purpose of electing a Solicitor for the fifth Judicial Circuit.

Whereupon the Senate repaired to the Hall of the House, were seated, and

Mr. President announced the object of the meeting of the two Houses.

*William O. Winston and William Acklen*, being in nomination:

Those who voted for *Mr. Acklen*, are—messrs. Arrington, Creagh, Dargan, Dougherty, Fleming, Gilchrist, Hardaway, McAlpin, McClanahan, Oliver, Posey, Reese, Sellers, Spruill, Walker of L. Ward, Watrous, Watkins and Wilson of the Senate; and messrs. Baggh, Beck, Bowdon, Brandon, Bunting, Clarke, Clay, Clemens, Cook, Cooper, Dunn, Grady, Hall, Harris, Hill, Jemison, Johnson, Jones of Benton, Jones of Limestone, Judge, Kidd, Kimbell, Lea, Mason, McClung, Mitchell of B. Mitchell of T. Morrisett, Mudd, Perrine, Perry, Phillips, Rhodes, Roby, Scott of J. Smith of L. Smith of mar. Snowden, Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. and Williams of M.

Those who voted for *Mr. Winston*, are—messrs. President, Ashe, Bishop, Dent, Griffin, Harris, Hudson, Marchbanks, Moores, Norris, Smith, Walker of B. Walthall and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Bell, Chandler, Cobb, Croom, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Howard, Inge, Jackson, Jones of Blount, Jones of Conecuh, Jones of Franklin, Jones of Lawrence, Kennedy, King, Kittrell, Maples, Martin, Meriether, Miree, Morrison, Norman, Patton, Portis, Prince, Rose, Scott

of Macon, Seawell, Speight, Spencer, Steele, Vinson, Webb, William of J. Woodward and Young of the House.

Mr. Winston having received a majority of the whole number votes given, Mr. Speaker declared him duly elected Solicitor for the fifth judicial circuit for the time prescribed by law.

The Senate then withdrew from the Hall of the House.

The House proceeded to the consideration of the special order, it being the resolution heretofore offered by Mr. Morrisett, as follows:

*Resolved*, That the committee on apportionment be instructed to apportion the Representatives among the several counties in this State according to a ratio that will make the House of Representatives consist of \_\_\_\_\_ members, and the Senate of \_\_\_\_\_ members.

The question pending on the motion of Mr. Phillips, to fill the first blank with "one hundred."

The House refused to insert "one hundred"—yeas 45—nays 48.

YEAS—messrs. Speaker, Alexander, Allen of K. Barnett, Bee Chandler, Cook, Cooper, Croom, Davis of L. Dunn, Garrett, Grad Harris, Hill, Howard, Inge, Jackson, Jones F. Judge, Kidd, Kittrell, Martin, Meriwether, Mitchell of T. Morrisett, Norman Patton, Perry, Phillips, Rose, Scott of M. Seawell, Speight, Stiles Treadwell, Vinson, Watts of B. Watts of D. Webb, Williams of Winston, and Woodward.

NAYS—messrs. Aldridge, Allen of B. Baker, Baugh, Bell, Bondon, Brandon, Bunting, Clarke, Clay, Clemens, Cobb, Davis of Edwards, Fletcher, Gamble, Gwin, Griffin, Hall, Hays, Hobdy, Johnson, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Kennedy, Kimbell, Lea, Mason, Maples, McClung, Mitchell of B. Morrison, Mudd, Posey, Price, Rhodes, Roby, Scott of J. Snowden, Spencer, Storrs, Walker, Williams of J. and Young.

Mr. Martin presented the report of the President of the Branch Bank at Decatur.

Ordered, that the report lie on the table, and two hundred copies printed.

And then the House adjourned until to-morrow morning, 11 o'clock.

DECEMBER 14, 1844.

The House met pursuant to adjournment.

Mr. Dufreese asked leave to record his vote on the resolutions offered by Mr. Clemens, on the twelfth, which was granted;

And Mr. Dufreese voted "aye," on each of the resolutions.

Mr. Speaker laid before the House, the report of the Adjutant General of the State; which was referred to the committee on the military.

Mr. Speaker laid before the House the report of the State Treasurer



which was laid on the table, and two hundred copies ordered to be printed.

Mr. Young introduced a bill, to regulate **Battalion Court Martials**;

Mr. Dufreese introduced a bill, to revive and continue in force an act therein named :

Mr. Cooper introduced a bill, making the libelling or slandering of females an indictable offence :

Mr. Cooper introduced a bill, to cancel a certain contract therein named :

Which were severally read the first time, and ordered to a second reading.

Mr. Garrett presented the petition of sundry citizens of Cherokee county; which was laid on the table.

Mr. B. H. introduced a bill, to authorize the loan of five thousand dollars of the two per cent fund, for the purpose of building a bridge over New River, in Fayette county; which was read the first time; and lost, the House refusing to order the bill to a second reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—I am instructed to inform the House of Representatives that the Senate has passed bills of the following titles, to wit:

A bill to provide for the support of paupers, in the County of Chambers:

A bill for the relief of Bartholomew S. Skeats:

A bill to authorize guardians of minors, idiots and lunatics, to receive and remove from this State, any property to which such ward may be entitled:

A bill to authorize the receiving all legal claims against the Counties of Henry, Dale and Coffee, in payment of County taxes:

A bill to authorize the erection of rail dams across Big Wills Creek and its tributaries, in De Kalb County:

In all of which they ask your concurrence.

The Senate has also passed a bill from the House of Representatives to be entitled an act in relation to the payment of claims against the County of Sumter, and has amended the same as therein shown.

The Senate also concurs in the resolution of the House proposing to go into the election of a judge of the County Court of Clarke County, on Monday next, the sixteenth instant, at twelve o'clock.

Mr. Walker introduced a bill to abolish certain offices therein named:

Mr. Cook introduced a bill to prohibit the further sale of the sixteenth section lands in this State:

Mr. Hays introduced a bill to abolish the Separate Chancery Courts of this State:

Which were severally read the first time, and ordered to a second reading.

Mr. Phillips presented the petition to incorporate the **Female Benevolent Society of Mobile**; which was referred to the committee on incorporations.

Mr. Phillips introduced a bill to incorporate the Female Benevolent Society of Mobile; which was read the first time, and ordered to a second reading.

Mr. Williams of M. introduced the petition of the Commissioners of Roads and Revenue of Montgomery County; which was referred to the committee on the judiciary.

Mr. Williams of M. presented the petition of P. S. Beasley; which was referred to the committee on propositions and grievances.

Mr. Williams of M. presented the petition of Gabriel Armstrong; which was referred to the committee on the judiciary.

Mr. Williams of M. presented the petition of Jack Demery; which was referred to the committee on the judiciary.

Mr. Rose presented the account of the Jailer of Coosa County; which was referred to the committee on accounts.

Mr. Clarke introduced a bill authorizing the Judges of the Orphans Court in this State, to grant orders for the sale of real estate in certain cases therein named:

Mr. Johnson introduced a bill to establish Monthly Courts and jury trials in Justices Courts in the County of Pickens, and to regulate the proceedings therein:

Mr. Phillips introduced a bill to incorporate the Town of Carrollton, in the County of Pickens:

Which were severally read the first time, and ordered to a second reading.

Mr. Bowdon introduced a bill from citizens of Talladega County, praying that Lewis T. Green may build a mill on the Coosa River; which was referred to the delegation from Talladega and St. Clair Counties.

Mr. Bowdon also presented the petition of Solomon Spence and others, in regard to the rescission of a certain sixteenth section contract; which was referred to the committee on the judiciary.

Mr. Martin presented the petition of sundry citizens of Tallapoosa County, in regard to an election precinct; which was referred to the committee on privileges and elections.

Mr. Martin introduced a bill to compensate the President of the State Bank for extra services performed by direction of the Legislature of this State; which was read the first time, and ordered to a second reading.

Mr. Speaker laid before the House the report of the Commissioner appointed to examine the Branch Bank at Montgomery; which was laid on the table and two hundred copies ordered to be printed.

The bill from the Senate for the relief of Bartholemew S. Skeats:

The bill from Senate to provide for the support of paupers, in Chambers County:

The bill from the Senate to authorize guardians of minors, idiots and lunatics, to receive and remove from this State any property to which said ward may be entitled, where both guardian and ward reside out

of the State, or to remove the same from one county to another in this State:

The bill from the Senate to authorize the receiving of all legal claims against the counties of Henry and Dale, in payment of County taxes:

Were severally read the first time, and ordered to a second reading.

The amendment made by the Senate to the bill for the payment of claims against the County of Sumter, were concurred in.

The bill from the Senate to authorize the erection of mill dams across Big Wills Creek and its tributaries, in De Kalb County; was read the first time, and ordered to a second reading.

Mr. Mitchell of T. from the committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Blount County, praying the establishment of a certain turnpike, reported unfavorably to the petitioners.

The report was concurred in.

Mr. Mitchell of T. from the same committee, to whom was referred the petition of sundry citizens of Jackson County, praying that the present law exempting teachers and students of common schools from road duty might be repealed or modified, reported that there is now a bill before the House embracing the prayer of the petitioners, and asked to be discharged from the further consideration of the subject.

Ordered, that the committee be discharged.

Mr. Norman, from the committee on education, to whom was referred a bill to repeal in part and amend an act, entitled an act for the relief of purchasers of sixteenth sections, reported that it was inexpedient to pass the bill.

The report was concurred in.

Mr. Scott of J. from the committee on accounts reported the account of James Daniel, of Russell County, as not audited.

Mr. Scott of J. from the same committee, to whom was referred the account of Wm. Young, of Fayette County, reported the same to the House and recommended its reference to the committee on propositions and grievances.

The account was referred.

Mr. Clemens, from the committee on the judiciary, to whom was referred a petition and bill for the relief of Ann Chambers, reported the petition and bill back to the House, and asked to be discharged from the further consideration of the subject.

Ordered that the committee be discharged.

Mr. Clemens, from the same committee, to whom was referred the bill for the relief of Alley C. James and her heirs, reported that it would be inexpedient to legislate upon the subject.

Mr. Jackson moved to lay the report on the table; which was carried.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the committee on the judiciary, to whom was referred the bill for the relief of the creditors of Peter Buckhart, reported that it was inexpedient to pass said bill.

The report was laid on the table, and the bill ordered to be engrossed. Mr. Clemens, from the same committee, to whom was referred the petition to make title to land sold by Joseph Gibson, reported unfavorably to the petitioner.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the petition of Elmira E. Jones, reported unfavorably to the petitioner.

The report was concurred in.

On motion of Mr. Mitchell of B.

*Resolved*, That the Senate be now invited into the Hall of the House for the purpose of electing a Judge of the County Court of Pike county.

Whereupon the Senate repaired to the Hall of the House, were seated, and Mr. President announced the object of the meeting of the two Houses.

*William H. Manning and Andrew C. Townsend*, being in nomination:

Those who voted for *Mr. Manning*, are—messrs. President, Bishop, Creagh, Dargan, Dent, Fleming, Gilchrist, Griffin, Hardaway, Hudson, Marchbanks, Moores, McAlpin, McClanahan, Norris, Oliver, Posey, Reese, Sellers, Smith, Spruill, Walker of B. Walker of L. Ward, Watrous, Watkins and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Baugh, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Groom, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Gamble, Garrett, Gwin, Grady, Hall, Harris, Hill, Howard, Inge, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Corecul, Jones of Franklin, Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, King, Kuttrell, Lonsdale, Lea, Maples, Martin, McClung, Meriwether, Merriek, Miree, Mitchell of B. Mitchell of T. Morrisett, Mudd, Norman, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Roby, Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Stith, Treadwell, Vinson, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young of the House.

Those who voted for *Mr. Townsend*, are—messrs. Arrington, Ashe, and Dougherty of the Senate; and messrs. Barnett, Dufresne, Griffin, Hays, Hobly, Jackson, Kimbell, Mison, Morrison, Rose, Scott of J. and Steele of the House of Representatives.

*Mr. Manning* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Pike County, for the term prescribed by law.

The Senate withdrew, and the House proceeded to the consideration of the special order, it being the resolution heretofore offered by Mr. Morrisett, proposing to instruct the committee on apportionment, as to the number of Senators and Representatives, of which the General Assembly shall consist.

Mr. Jones of Limestone moved to reconsider the vote refusing to fill the first blank with "one hundred;" which was carried.—yeas 68, nays 30.

**YEAS**—messrs. Speaker, Alexander, Allen of B. Allen of R. Barnett, Beck, Bunting, Chandler, Clarke, Cook, Cooper, Croom, Davis of L. Dufreese, Dunn, Gamble, Garrett, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jones of F. Jones of Limestone, Judge, Kidd, King, Kittrell, Lansdale, Lea, Martin, Mason, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Norman, Perrine, Phillips, Portis, Prince, Rhodes, Rose, Scott, of M. Seawell, Smith of M. Smith of L. Snowden, Steele, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Watts of D. Webb, Williams of M. Woodward and Young.

**NAYS**—messrs. Aldridge, Baker, Bell, Bowdon, Brandon, Clay, Clemens, Cobb, Davis of F. Edwards, Fletcher, Gewin, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Lawrence, Kennedy, Kimbell, Maples, McClung, Mudd, Perry, Roby, Scott of J. Speight, Spencer, Williams of J. and Winston.

Mr. Norman moved to fill the second blank with "thirty-three;" which was carried, and the resolution as amended, adopted.

The House then proceeded to the consideration of the next special order, it being the resolutions heretofore reported by Mr. Phillips, from the committee on Federal relations, the question pending on the adoption of the resolution; and after much deliberation had thereon:

Mr. Smith of L. moved to postpone the further consideration of the resolutions until Monday, the twenty-third instant, and make them the special order for that day.

Mr. Norman moved that the House do now adjourn until Monday morning, ten o'clock, which was lost.—yeas 11, nays 78.

**YEAS**—messrs. Davis of L. Jones of F. Jones of Limestone, Lea, Norman, Scott of M. Speight, Storrs, Walker, Williams of J. and Woodward.

**NAYS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Cobb, Cooper, Cook, Croom, Davis of F., Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Mason, Meriwether, Merrick, Miree, Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Perry, Phillips, Portis, Prince, Rose, Seawell, Smith of L. Smith of M. Snowden, Spencer, Steele, Stith, Treadwell, Vinson, Watts of B. Watts of D. Webb, Williams of M. Winston, and Young.

Mr. Davis of L. moved to postpone the further consideration of the resolutions, until the first day of January, and make them the special order for that day.

Mr. Davis of L. moved that the House adjourn until Monday, ten o'clock; which was lost—yeas 56, nays 35.

**YEAS**—messrs. Davis of L. Dunn, Garrett, Grady, Hall, Harris, Howard, Inge, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Lea, Miree, Morrison, Norman, Perry, Portis, Roby, Rose, Scott of M. Smith of L. Snowden, Steele, Storrs, Treadwell, Vinson, Walker, Williams of J. Woodward and Young.

**NAYS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Edwards, Fletcher, Gamble, Gewin, Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Mason, Meriwether, Merrick, Mitchell of T. Morrisett, Mudd, Perrine, Phillips, Prince, Seawell, Smith of M. Speight, Spencer, Stith, Watts of B. Watts of D. Webb, Williams of M. and Winston.

The question was then taken on motion of Mr. Davis of L. to postpone the further consideration of the resolutions until the first of January, and lost—yeas 11, nays 80.

**YEAS**—Messrs. Davis of F. Davis of L. Dunn, Inge, Jones of Con, Jones of Franklin, Jones of Lawrence, Lansdale, Lea, Speight, and Woodward.

**NAYS**—Messrs. Speaker, Aldridge, Alexander, Allen of Benton, Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Cobb, Clay, Cook, Cooper, Croom, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Hall, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Maples, Martin, Mason, Meriwether, Merrick, Miree, Mitchell of T. Morrisett, Morrison, Norman, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of M. Seawell, Smith of L. Smith of M. Snowden, Spencer, Steele, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, and Young.

Mr. Jones of Lawrence moved that the House do now adjourn until Monday morning, ten o'clock; which was lost—yeas 26, nays 58.

**YEAS**—messrs. Speaker, Aldridge, Davis of L. Edwards, Howard, Inge, Jones of C. Jones of Lawrence, Jones of Limestone, Kennedy, Kidd, Lansdale, Lea, Miree, Morrison, Norman, Portis, Roby, Smith of L. Speight, Storrs, Treadwell, Walker, Williams of M. Woodward and Young.

**NAYS**—messrs. Alexander, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Davis of F. Dunn, Fletcher, Gamble, Grady, Hall, Harris, Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Judge, Kimbell, King, Kittrell, Maples, Martin, Mason, McClung, Meriwether, Merrick, Mitchell of T. Morrisett,

Mudd, Perrine, Phillips, Prince, Scott of M. Seawell, Smith of M. Snowden, Spencer, Stith, Vinson, Watts of B. Watts of D. Webb and Williams of J.

Mr. Bowdon, moved to postpone the further consideration of the resolution until Monday next, at twelve o'clock; which was lost—yeas 24, nays 64.

YEAS—messrs. Speaker, Alexander, Allen of R. Bowdon, Clay, Davis of L. Edwards, Gewin, Howard, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Lea, Morrison, Norman, Portis, Rose, Smith of L. Speight, Walker and Woodward.

NAYS—messrs. Aldridge, Allen of B. Baker, Barnett, Beck, Bell, Brandon, Bunting, Chandler, Clarke, Cobb, Cook, Cooper, Croom, Davis of F. Fletcher, Gamble, Garrett, Grady, Hall, Harris, Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Jones of F. Kimbell, King, Kittrell, Lansdale, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of T. Morrisett, Mudd, Perrine, Perry, Phillips, Prince, Roby, Scott of M. Seawell, Smith of M. Snowden, Spencer, Steele, Stith, Treadwell, Vinson, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston and Young.

Mr. Judge moved that the House do now adjourn until Monday morning, ten o'clock; which was lost.

Mr. Smith of L., moved to lay the resolution on the table; which was lost—yeas 4, nays 78.

YEAS—Messrs. Jones of Limestone, Lea, Smith of L. and Speight.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Dunn, Fletcher, Gamble, Garrett, Gewin, Grady, Hall, Harris, Hays, Hill, Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Lawrence, Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of M. Seawell, Smith of M. Snowden, Spencer, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Woodward and Young.

Mr. Jones of Lawrence, moved that the House do now adjourn until Monday morning, ten o'clock; which was lost—yeas 30, nays 61.

YEAS—messrs. Alexander, Davis of L. Dunn, Gewin, Howard, Inge, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Lea, McClung, Miree, Morrison, Norman, Perry, Portis, Roby, Rose, Smith of L. Snowden, Steele, Storrs, Treadwell, Walker, Winston, Woodward and Young.

NAYS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Edwards, Fletcher, Gamble, Garrett, Grady, Hall, Harris, Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Kidd, Kimbell,

King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, Meriwether, Merriek, Mitchell of B. Morrisett, Mudd, Perrine, Phillips, Prince, Scott of M. Seawell, Smith of M. Speight, Spencer, Smith, Vinson, Watts of B. Watts of D. Webb, Williams of J. and Williams of M.

Mr. Bell moved the previous question, which was sustained—yeas 65, nays 21.

**YEAS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Brandon, Bunting, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Edwards, Fletcher, Gamble, Garrett, Gawin, Grady, Harris, Hays, Hull, Hobdy, Jackson, Johnson, Jones of Benton, Jones of Blount, Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Mason, McClung, Meriwether, Merriek, Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Perry, Phillips, Roby, Rose, Seawell, Smith of M. Speight, Spencer, Smith, Storrs, Treadwell, Watts of B. Webb, Williams of J. Williams of M. and Young.

**NAYS**—messrs. Bowdon, Davis of L. Dunn, Hall, Howard, Inge, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kidd, Kittrell, Mize, Norman, Portis, Smith of L. Snowden, Vinson, Walker, Watts of D. and Woodward.

And then the House adjourned until Monday morning, at ten o'clock.

DECEMBER 16th, 1844.

The House met pursuant to adjournment.

Mr. Mason offered the following resolutions:

*Resolved*, That this House meet at half after nine o'clock, A. M., and adjourn at two P. M., each day hereafter.

*And be it further resolved*, That it assemble at seven P. M. each and every day hereafter, for the purpose of taking up the orders of the day so far as local business is concerned, until the same shall be disposed of.

Which lies over one day.

Mr. Jackson introduced a bill for the relief of Mrs. Ann Delana Tarlton; which was read the first time, and ordered to a second reading.

Mr. Seawell presented the account of James Griffin; which was referred to the committee on propositions and grievances.

Mr. Hobdy introduced a bill to change the compensation of grand and petit jurors, in the county of Pike:

Mr. Prince introduced a bill to regulate the residence of the Judge of the county court of Washington county:

Which were severally read the first time and ordered to a second reading.

Mr. Jackson, from the committee on propositions and grievances, to which was referred the petition of Thomas M. Harris and others, in behalf of Charles J. Barnett, of Pike county, reported,



A bill for the relief of Charles J. Barnett, of Pike county; which was read the first time, and ordered to a second reading.

Mr. Jackson, from the same committee, to which was referred the petition in behalf of Joel Hurly and Nathan Waters, reported,

A bill for the relief of Joel Hurly and Nathan Waters, of Pike county; which was read the first time, and ordered to a second reading.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to emancipate slave Gertrude:

An act in relation to the payment of claims against the county of Santer, and for other purposes:

An act to extend the time of the county court of Perry county.

Mr. Clay, from the select committee, to which was referred a memorial on the subject, reported,

A bill to appropriate the two per cent fund; which was read the first time, and ordered to a second reading.

A message from the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
TUSCALOOSA, December 16th, 1844. }

Sir—I have the honor to lay before the House of Representatives, the annual report of the Inspectors of the Penitentiary.

(Signed)

BEN. FITZPATRICK.

Ordered, that the report be referred to the committee on the Penitentiary, with instructions to have two hundred copies thereof printed.

Mr. Allen of R. offered the following resolution:

*Resolved*, That five hundred additional copies of a tabular statement of the census of Alabama, taken in the year eighteen hundred and forty-four be printed, for distribution amongst the members of this House, for the information of their constituents.

Which was lost.

Mr. Mitchell of T. from the committee on roads, bridges and ferries, to which was referred the petition of sundry citizens of Morgan county, praying the passage of a law, authorizing James Young to establish a ferry across the Tennessee river, reported, that the petition asks the Legislature to violate vested rights, and therefore ought not to be granted.

The report was concurred in.

Mr. Bowdon introduced joint resolutions, in regard to the reduction of the price of the public lands in this State.

Mr. Bowdon moved to postpone the consideration of the resolutions until Tuesday, the twenty-fourth instant, and make them the special order for ten o'clock of that day; which was lost.

On motion of Mr. McClung, the joint resolutions were referred to a select committee, consisting of five members.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed bills of the following titles, in which the concurrence of the House is requested:

A bill declaring Cedar Creek a public highway:

A bill to repeal in part an act therein named as to De Kalb county:

A bill for the relief of mortgagees, and for other purposes.

The Senate has also passed a bill from the House of Representatives, to be entitled an act, to authorize certain persons therein named to erect a mill dam.

Mr. Perry introduced a joint resolution for the benefit of the Morgan Cavalry; which was read a first time and ordered to a second reading.

On motion of Mr. Johnson,

*Resolved*, That the committee on ways and means, be instructed to inquire into the expediency of making assessors likewise collectors of taxes, in their respective beats.

On motion of Mr. Jones of Benton,

*Resolved*, That the committee on privileges and elections, inquire into the expediency of abolishing the precinct heretofore established at Lugan Hill, in Benton county, and establish one in lieu thereof, at the place of holding court in Captain Dufrees' beat in said county; also of abolishing the precinct heretofore established at Cunningham's, in Benton county, and establish one at the place of holding court in Captain Spencer's beat.

On motion of Mr. Bunting,

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of amending the existing law, in relation to trading with slaves; and that they report by bill or otherwise.

On motion of Mr. Bunting,

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of so amending the existing laws as to require the Clerks of the courts of record in this State, to take bond and security in all cases from the plaintiff for the payment of cost, on failure to prosecute to effect and final recovery, except only such cases as the courts may order to be prosecuted in *forma pauperis*, and that they report by bill or otherwise.

Mr. Martin introduced a bill for the relief of Margaret Ann Brown, and her infant children; which was read a first time and ordered to a second reading.

On motion of Mr. Williams of M.,

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of amending the statute of distribution, so as to provide that the husband of a *feme covert* may inherit a portion of her separate estate when she dies intestate, and that they have leave to report by bill or otherwise.

*2nd Resolved*, That the same committee be instructed to inquire into

the propriety of so amending the laws as to require the Judges of the Supreme Court to revise motions for new trial, and that they have leave to report by bill or otherwise.

*3rd Resolved*, That the same committee be instructed to inquire into the expediency of so amending the law as to give to persons charged with offences against the State, the right to except to the opinions of the Judge trying the cause, and to demand a bill of exception on the same terms as in civil cases, and that they have leave to report by bill or otherwise.

*4th Resolved*, That the same committee be instructed to inquire into the propriety of so amending the law as to make the execution of bond and security after the dissolution of an injunction to restore the injunction, until the judgment of the Supreme Court, and that they report by bill or otherwise.

The bill from the Senate for the relief of mortgagees, and for other purposes:

The bill from the Senate to repeal in part an act therein named, as to De Kalb county:

The bill from the Senate declaring Cedar Creek a public highway:

Were severally read the first time and ordered to a second reading.

The engrossed bill declaring Margaret Shegog a free dealer, and for other purposes, was read the third time and passed.

The engrossed joint resolutions proposing amendments to the Constitution, providing for biennial sessions of the Legislature, were read the third time.

Mr. Stith moved to lay them on the table, and have one hundred copies printed; which was lost.

The resolutions passed—yeas 92, nays 5.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R., Barnett, Bangh, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hill, Howard, Hobdy, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lonsdale, Lea, Maples, Mason, McClung, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Storrs, Treadwell, Vinson, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Woodward and Young.

NAYS—messrs. Clemens, Dunn, Martin, Meriwether and Stith.

On motion of Mr. Martin,

*Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the Hall of the House, this day at twelve o'clock. M. for the purpose of electing a trustee of the University of Alabama, to fill the vacancy occasioned by the resignation of F. M. Roby, Esq.

The engrossed bill for the relief of Alley C. James and her heirs, was read the third time and passed.

The bill from the Senate to prevent the Judges of the Circuit and County Courts from giving and signing bills of exceptions in vacation, was read the third time.

The engrossed bill to exempt certain property from execution, was read the third time and passed.

Mr. Bell moved to amend by way of engrossed rider, as follows:

“And also twenty-five pounds of coffee and fifty pounds of sugar.”

A message from the Senate, by Mr. Marrast:

Mr Speaker—The Senate concurs in the resolution of the House proposing to go into the election of a Trustee of the University of Alabama, for the fourth judicial circuit, on this day.

On motion of Mr. Maples,

*Resolved*, That the Senate be now invited into the Hall of the House, for the purpose of electing a Judge of the County Court of Clarke county, and a trustee of the University of Alabama.

The Senate repaired to the hall of the House, and the two houses proceeded first to elect a Judge of the County Court of Clarke county:

*Terrell Powers* and *William Pickett*, being in nomination.

Those who voted for *Mr. Powers*, are—messrs. Arrington, Bishop, Creagh, Dargan, Dougherty, Gilchrist, Griffin, Hardaway, Harris, Hudson, Marchbanks, Moores, McClanahan, Oliver, Posey, Reese, Sellers, Smith, Spruill, Walker of B. Ward, Watrous, Walthall and Watkins of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Garrett, Grady, Griffin, Hall, Harris, Hill, Hobdy, Howard, Irge, Jackson, Jamison, Johnson, Jones of Conecuh, Jones of Franklin, Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Rose, Scott of Macon, Seawell, Smith of L. Smith of Mar. Snowden, Speight, Spencer, Steele, Sith, Storrs, Treadwell, Vinson, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston and Young of the House.

Those who voted for *Mr. Pickett*, are—messrs. President, Ashe, Dent, McAlpin, Norris, and Walker of L. of the Senate; and messrs. Dufreese, Gamble, Gewin, Hays, Jones of Benton, Jones of Blount, Jones of Lawrence, Jones of Limestone, Kennedy, Roby, and Scott of J. of the House.

*Mr. Powers* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Clarke county, for the time prescribed by the constitution.

The two Houses then proceeded to elect a Trustee of the University for the Fourth Judicial Circuit:

*Felix G. Norman* alone being in nomination, and he having received one hundred and twenty-three votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected Trustee of the University of Alabama, for the term prescribed by law.

The Senate withdrew, and the House proceeded to the consideration of the special order of the day, it being the bill to repeal in part and modify the existing law requiring the Judges of the Circuit Courts of Alabama to alternate: the question pending on the adoption of the substitute, reported by the committee.

Mr. Morrisett moved that the bill be indefinitely postponed; which was carried—yeas 77, nays 20.

**YEAS**—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Bunting, Clarke, Clay, Clemens, Cook, Cobb, Cooper, Croom, Davis of F., Edwards, Fletcher, Gamble, Garrett, Grady, Hall, Harris, Hays, Hill, Howard, Hobdy, Inge, Jones of C. Jackson, Jemison, Jones of Benton, Jones of Blount, Judge, Kennedy, Kidd, Kimball, King, Kittrell, Lansdale, Maples, Mason, Meriwether, Merrick, Mree, Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Perry, Portis, Prince, Rhodes, Rose, Scott of J. Seawell, Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston and Young.

**NAYS**—messrs. Alexander, Chandler, Davis of L. Dunn, Gewin, Griffin, Jones of F. Jones of Lawrence, Jones of Limestone, Martin, McClung, Mitchell of B. Norman, Patton, Phillips, Roby, Scott of M., Smith of L. Vinson and Woodward.

And the House adjourned until to-morrow morning, ten o'clock,

**TUESDAY, DECEMBER, 17TH, 1844.**

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from the Comptroller, transmitting sundry accounts audited; which were referred to the committee on accounts.

Mr. Aldridge introduced a bill to consolidate the several Branch Banks in the State Bank, and for other purposes; which was read a first time and ordered to a second reading.

Mr. Kittrell presented a petition of sundry citizens of Greene county, in regard to the retail of spirituous liquors; which was referred to the delegation from Greene.

Mr. Smith of L. presented the petition of W. W. Gerard; which was referred to the committee on propositions and grievances.

On motion of Mr. Brandon,

*Resolved*, That the committee on the State Bank and Branches be in-

structed to inquire into the expediency of so consolidating the various Branches of the Bank of the State of Alabama, and reduce the number of the officers as to lessen the expenses of said institution, and that said committee have leave to report by bill or otherwise.

Mr. Fletcher introduced a bill for the relief of Sarah Blankenship, of Marshall county:

Mr. Fletcher introduced a bill for the relief of Catharine Rodgers, of Marshall county:

Which were severally read the first time, and ordered to a second reading.

Mr. Phillips presented the petition of Clement Joseph; which was referred to the committee on propositions and grievances.

Mr. Dunn presented the petition of Bull and Files; which was referred to the committee on accounts.

Mr. Roby presented the petition of sundry citizens of Morgan county, in relation to turnpiking a certain road therein named; which was referred to a select committee, composed of the delegation from Jefferson, Blount, Walker and Morgan counties.

Mr. Patton introduced a bill in relation to the book accounts of deceased persons; which was read the first time and ordered to a second reading.

Mr. Baker presented the petition of James Earnest and others; which was referred to a select committee composed of the delegation from Fayette and Walker counties.

Mr. Martin, from the committee on the State Bank and Branches, to which was referred the resolution, instructing them to report to the House the amount of State bonds for which the Banks are severally bound, the time when sold, the time and place of payment, and the interest, they have reported that the information sought, was contained in the report of the President of the State Bank now in possession of the House, and ask to be discharged from the further consideration of the subject.

Ordered, that the committee be discharged.

Mr. Jackson, from the committee on propositions and grievances, to which was referred the petition of L. M. Ingersoll, reported the petition to the House, and recommend its reference to the committee on the judiciary.

Ordered, that the petition be so referred.

Mr. Jackson, from the same committee, to which was referred the petition of Wm. Young, reported the same to the House, and recommended its reference to the committee on accounts.

Ordered, that the petition be so referred.

Mr. Walker, from the committee on the military, to whom was referred the petition of the Pentlala Vanguard, reported.

A bill for the benefit of the Pentlala Vanguard; which was read the first time, and ordered to a second reading.

Mr. Jackson, from the committee on propositions and grievances, to

which was referred the memorial of James M. Goodwin, reported that it was inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Stith, from the committee on corporations, to which was referred the petition of sundry citizens of Wetumpka, praying the repeal of a certain act therein named, reported

A bill to repeal an act entitled an act, to alter and define the northern boundary line of east Wetumpka; which was read the first time, and ordered to a second reading.

Mr. Stith, from the same committee, to which was referred a bill to authorize James Dent and others, to build a bridge across the Tallapoosa river, in Tallapoosa county, reported the same with an amendment, and recommended its passage.

The amendment was adopted and the bill ordered to be engrossed for a third reading.

Mr. Stith, from the committee on corporations, to which was referred the petition of sundry citizens of Talladega, praying the repeal of a certain act therein named, reported

A bill to repeal an act therein named, and to revive an act incorporating the Town of Talladega; which was read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed bills of the following titles:

A bill to compensate tales jurors, in Wilcox county:

A bill to authorize the Judge of the county court and Commissioners of roads and revenue, of Wilcox county, to levy a county tax not exceeding fifty per cent. on the State tax.

Mr. Bowdon, from the select committee, to which was referred the petition of Lewis T. Greene, reported,

A bill to authorize Lewis T. Greene to build a mill on Coosa river; which was read the first time, and ordered to a second reading.

Mr. Gewin, from the select committee, to which was referred the petition for the relief of Adam Love, reported,

A bill for the relief of Adam Love; which was read the first time, and ordered to a second reading.

The bill from the Senate to compensate tales jurors, in Wilcox county:

The bill from the Senate, to authorize the Judge of the county court and Commissioners of roads and revenue, in Wilcox county, to levy a special tax not exceeding fifty per cent on the State tax:

Were severally read the first time, and ordered to a second reading.

Mr. Fletcher, from the select committee, to which was referred the petition and decree of divorce, in the case of George W. Calver vs. Susannah Calver, reported, that the committee believe that the Legislature had not the power to grant the prayer of the petitioner, and ask to be discharged from the further consideration of the subject.

Ordered, that the committee be discharged.

Mr. Edwards offered the following resolution:

*Resolved*, That the committee on ways and means, be instructed report a bill to this House, providing for the reduction of the existing revenue laws, so as to raise no more from the people by taxation than is necessary to defray the expenses of the State government.

2d. *Resolved*, That the same committee report a bill, providing that all the assets of the Banks and the proceeds of the sale of the property held by the said Banks, both real and personal, be collected and appropriated to the payment of the State debt, before taxing the people to pay said State debt, either principal or interest.

Mr. Davis of L. moved to postpone the further consideration of the resolutions until Tuesday, the twenty-fourth instant, and make them a special order for that day; which was lost.

Mr. Stith moved to lay the substitute on the table; which was carried Yeas 59—Nays 23 :

YEAS—messrs. Speaker, Aldridge, Alexander, Beck, Bell, Bowdoin, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cooch, Croom, Davis of F. Dufreese, Dunn, Gewin, Grady, Griffin, Hall, Howard, Jackson, Jemison, Johnson, Jones of F. Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Martin, McClure, Meriwether, Merrick, Miree, Mitchell of T. Morrison, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Scott of J. Scott of M. Seawell, Smith of M. Speight, Steele, Stith, Walker, Watts of B. Watts of L. Williams of J. and Williams of M.

NAYS—messrs. Allen of B. Allen of R. Baker, Barnett, Cooper, Davis of L. Edwards, Fletcher, Gamble, Garrett, Hays, Hill, Hobbs, Inge, Jones of Benton, Jones of C. Jones of Lawrence, Kennedy, Lea, Maples, Mason, Mitchell of B. Mudd, Patton, Rose, Smith of L. Snowden, Spencer, Treadwell, Vinson, Webb, Winston and Woodward.

Mr. Davis of F. offered the following resolution:

*Resolved*, That on and after Monday the twenty-third instant, this House will hold afternoon sessions, from three to five o'clock; which was laid over one day.

Mr. Mudd moved to take from the table the resolution heretofore offered by Mr. Phillips, as follows:

*Resolved*, That henceforward until otherwise ordered this House will assemble at nine o'clock, A. M. and continue in session until half past one, each day, which was carried.

Mr. Mudd then moved to amend as follows, strike out all after "*Resolved*," and insert,

"That from and after the twenty-third instant, this House will meet at three o'clock P. M. and adjourn at five P. M. and will meet again at seven o'clock, P. M., and adjourn at nine P. M.; which was carried."

Mr. Jones of F. moved to amend as follows: strike out all after "*Resolved*," and insert,

"That from and after Monday next this House will meet on a legislative day, at half past nine o'clock A. M. and adjourn at one P. M."



o'clock P. M.; that it meet again at three o'clock on the same day, and adjourn at five."

The amendment was adopted, and the resolution as amended adopted.

Mr. Jones of Benton, introduced a bill to regulate the issuing of executions by Justices of the Peace, in the County of Benton; which was read the first time, and ordered to a second reading.

Mr. Aldridge introduced joint resolutions upon the subject of postage, which was adopted.

Mr. Portis moved that the House do now take up the bills on their third reading, which was carried.

The bill in relation to the County tax of Sumter county was read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of Mary J. Arrington was read the second time, and referred to the committee on propositions and grievances.

The bill to require the Judge of the County Court of Walker County, to reside within eight miles of the Court House, was read the second time, and ordered to be engrossed for a third reading.

The bill to establish and abolish certain election precincts therein named, in the county of St. Clair, was read the second time, and referred to the committee on privileges and elections.

The bill to create an additional company beat in the County of St. Clair, was read the second time, and referred to the committee on the military.

The bill to extend the time of holding the Circuit Courts of Perry County, was read the second time, and referred to a select committee, composed of the delegation from Perry County.

The bill, to amend an act entitled an act to incorporate the Town of Dayton, in Marengo County, was read the second time, and ordered to be engrossed for a third reading.

The bill in relation to amending bills of injunction, was read the second time, and referred to the committee on the judiciary.

The bill in relation to the County claims of Dale and Coffee Counties, was read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of Louisa Allen, was read the second time, and referred to the committee on propositions and grievances.

The bill to compel certain persons therein named, to work on public roads in Blount County:

The bill for the support of paupers, in the County of Talladega:

Were severally read the second time, and ordered to be engrossed for third reading.

The bill for the relief of Dr. Elijah Dodson, of Talladega County, was read a second time.

Mr. Mudd moved to amend as follows:

"*Provided*, that this act shall only continue in force during the time ~~that~~ he resides in Talladega County."

Mr. Hill moved to lay the amendment on the table; which was carried.

The bill was then ordered to be engrossed for a third reading.

The bill to authorize the tax collector of Covington County, to assess the taxes for said County of Covington, was read the second time.

Mr. Jones of C. moved to refer the bill to a select committee, composed of the Counties of Covington, Conecuh, St. Clair, Randolph, Benton, Monroe and Lowndes.

Mr. Jones of F. moved to refer the bill to the committee on ways and means; which was carried.

The bill for the relief of Alfred Holly, tax collector of Covington County, was read the third time, and referred to the committee on ways and means.

The bill for the relief of insolvent Bank debtors, was read the second time, and referred to the committee on the State Bank and Branches.

The bill for the relief of John H. Gee, of Sumter County, was read the second time, and referred to the committee on the judiciary.

The bill to confirm the emancipation of certain persons therein named, was read the second time, and ordered to be engrossed for a third reading.

The bill to emancipate the slave William, was read the second time.

Mr. Jemison moved to amend.

The hour of twelve having arrived, the House proceeded to the consideration of the special order, it being the resolution heretofore reported by Mr. Phillips from the committee on Federal relations, as follows:

The committee on Federal relations, to whom was referred the resolutions of the States of Georgia and Connecticut on the subject of repudiation, have unanimously instructed me to report, that they have given the subject of the resolutions an attentive consideration, and in full view of the heavy debt under which this State now struggles, and of the onerous taxation necessary to its protection; they are yet firm in the belief that the citizens of Alabama will redeem the plighted faith of the State at any and every cost.

The committee therefore recommend the adoption of the following resolutions:

*1st Resolved*, That the preservation of national faith is the only guaranty for stable government; that its violation leads to the dissolution of the political compact, and amidst anarchy which denies all obligation but such as force imposes, the great truth will be again proclaimed, that a people to be prosperous must be virtuous.

*2nd Resolved*, That in the possession of a territory rich in mineral resources, admirably adapted to the culture of the great staple of the South; abundantly supplied with water power for all manufacturing purposes; provided in an extraordinary degree with the commerce of accessible markets, and blessed with every variety of soil and climate—

people of Alabama are not only willing but able to maintain the high honor and credit which this State has always enjoyed.

*3rd Resolved*, That this State concurs in the resolutions of the States of Georgia and Connecticut, denouncing the repudiation of debts by the States; and that the Governor be requested to forward a copy of the foregoing resolutions to the Governor of each of the several States; with a request that he would cause the same to be laid before their respective Legislatures.

A division of the question being called, it was first taken on the adoption of the first resolution.

The first resolution was adopted—yeas 96.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Croom, Davis of F. Davis of Limestone, Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

The second resolution was adopted—yeas 100.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Patton, Perry, Perrine, Phillips, Portis, Prince, Rhodes, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Vinson, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

The third resolution was adopted—yeas 86, nays 14.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, Mc-

Clung, Meriwether, Merrick, Miree, Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Roby, Ross, Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. and Young.

NAYS—messrs. Clemens, Davis of L. Dufreese, Inge, Jones of C. Jones of F. Jones of Lawrence, Mitchell of B. Norman, Patton, Scott of J. Vinson, Winston and Woodward.

The preamble being the report of the committee was then adopted.

Ordered, that the resolutions be sent to the Senate for its concurrence.

On motion of Mr. Stith,

*Resolved*, That eight hundred additional copies of the tabular statement of the census be printed for the use of this House.

And then the House adjourned until to-morrow morning, ten o'clock.

DECEMBER 18, 1844.

The House met pursuant to adjournment.

Mr. Jackson presented the petition of sundry citizens of Autauga county in relation to camp hunting; which was referred to the committee on the judiciary.

Mr. Jackson introduced a bill to regulate camp hunting; which was read the first time and ordered to a second reading.

Mr. Young introduced a bill to prevent the change of venue in certain cases.

Mr. Garrett introduced a bill to authorize Thomas Hollingsworth, to establish a ferry on Coosa river, in Cherokee county; which was severally read the first time and ordered to a second reading.

Mr. King introduced a bill to amend an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church in Dallas county; which was read the first and second times forthwith, and ordered to be engrossed for a third reading.

Mr. Smith of M. introduced a bill to provide for the payment of witnesses in State cases, in which the State fails in the prosecution, &c.

Mr. Kennedy introduced a bill to authorize the Sheriff of Marion county to collect tax; which were severally read the first time and ordered to a second reading.

Mr. Perry presented the account of Benjamin A. Philpot; which was referred to the committee on propositions and grievances.

Mr. Johnson introduced a bill for the relief of tales jurors, in Wilcox county.

Mr. Hobdy introduced a bill to levy a special tax in Pike county; which were severally read the first time and ordered to a second reading.

Mr. Kidd introduced joint resolutions proposing an amendment to the

Constitution, so as to allow the removal of the seat of government; which was read the first time and ordered to a second reading.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles:

An act in relation to the payment of claims against the county of Sumner, and for other purposes:

An act to emancipate slave Gertrude:

An act to extend the time of the County Court of Perry county:

Mr. Martin presented the petition of sundry citizens of Tuscaloosa county, in behalf of Alfred Ray, of said county; which was referred to the committee on propositions and grievances.

Mr. Baker introduced a bill to change the manner of summoning jurors in Walker county; which was read the first time and ordered to a second reading.

Mr. Clemens, from the committee on the judiciary, to whom was referred the petition of Gabriel Armstrong, reported

A bill to constitute Mary Armstrong, of Montgomery county, a free dealer; which was read the first time and ordered to a second reading.

Mr. Clemens, from the same committee, to whom was referred the resolution instructing said committee to inquire into the expediency of amending the statute of distributions so as to provide that the husband of a *feme covert* may inherit a portion of her separate estate, when she dies intestate; reported that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred a resolution instructing said committee to inquire into the expediency of so amending the law as to require the Judges of the Supreme Court to revise motions for new trial, reported that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the petition of Jack Demery, reported,

A bill to authorize Jack Demery, of Montgomery county, to emancipate certain slaves therein named; which was read the first time and ordered to a second reading.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of Weeks Pippin, reported,

A bill for the relief of Weeks Pippin, of Henry county; which was read the first time and ordered to a second reading.

Mr. Jackson, from the same committee, to whom was referred the petition of Parker S. Beasley, reported,

A bill for the relief of Parker S. Beasley, of Montgomery county; which was read the first time and ordered to a second reading.

Mr. Winston, from the committee on privileges and elections, to whom was referred a petition of sundry citizens of Henry county, in

relation to the removal of the seat of justice in said county; together with a bill in relation to the same subject; reported the same back to the House without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Williams of M. offered the following resolution:

*Resolved*, That the committee on the State Bank and Branches, be and they are hereby instructed to inquire and report on the expediency and propriety of permitting the bank debtors to extend their indebtedness to said Banks, for the term of ———— months, on their paying thirty-three and one third per cent. of the principal sum and interest, due by them, in bills on any of the banks of this State, or by paying fifteen per cent. in specie, on said debts, and that said committee have leave to report by bill or otherwise; which was adopted.

The House proceeded to the consideration of the bills on their second reading.

The question pending on the amendment offered by Mr. Jemison to the bill, to emancipate slave William.

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

The bill authorizing the formation of two Captain's companies, in the county of Blount, was read the second time, and referred to the committee on the military.

The bill to authorize Commissioners of sixteenth sections to qualify officers to hold elections to elect trustees for the several townships in this State, was read the second time:

Mr. Cobb moved to fill the blanks in the bill with the word "Commissioners;" which was adopted, and the bill referred to the select committee on the sixteenth section fund.

The bill to authorize Adam Hassell to build a fish trap on the Coosa river, was read the second time, and ordered to be engrossed for a third reading.

The bill to prevent the Judge of the county court and Commissioners of roads and revenue of the county of Covington, from receiving any compensation for services rendered at Commissioners' courts, was read the second time and ordered to be engrossed for a third reading.

Mr. Cook, from the committee on enrolled bills, reported as correctly enrolled:

An act to prevent the Judges of the circuit and county courts from giving and signing bills of exception in vacation:

The bill to provide for the payment of a portion of the bonds of the State of Alabama:

And the bill to change the mode of assessing and collecting taxes, in the counties of Dale and Coffee:

Were severally read the second time, and referred to the committee on ways and means.

The bill to amend the act, incorporating the Town of Troy, in the

county of Pike, was read the second time, and referred to the committee on corporations.

The bill for the relief of the poor, was read the second time, and referred to the committee on agriculture.

The bill to authorize the commissioners of roads and revenue in the county of Henry, to raise a revenue in said county, was read the second time, and ordered to be engrossed for a third reading.

The bill to change in part the mode of drawing grand jurors in the counties of Henry, Dale and Coffee, was read the second time, and referred to the committee on the judiciary.

The bill to repeal in part an act, in Clay's Digest, page five hundred and ninety, was read a second time:

Mr. Mudd moved to amend by way of substitute.

The bill and amendment were referred to the committee on the judiciary.

The bill to attach a part of Benton to Talladega county, was read the second time:

And on motion of Mr. Young, referred to the committee on county boundaries.

The bill to fix the compensation of the Commissioners of roads and revenue, in the counties of Dale and Coffee, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of Lucinda Merritt, was read the second time, and referred to the committee on the judiciary.

The bill for the relief of purchasers of a certain sixteenth section, in the county of Barbour, was read the second time and referred to the committee on the judiciary.

The bill to consolidate the offices of assessor and tax collector, in Benton county, was read the second time, and referred to the committee on ways and means.

The bill to abolish the office of Bank marshal, was read the second time, and referred to the committee on the judiciary.

The bill to require the Sheriff of Butler county to reside within one mile of the court house in said county:

And the bill in relation to the Commissioners' Court of Cherokee county.

Were read the second time, and ordered to be engrossed for a third reading.

The bill authorizing the constables of a county therein named to execute subpoenas, by leaving a copy thereof, at the residence of witnesses, was read the second time:

Mr. Webb moved to amend the bill, so as to extend its provisions to the county of De Kalb; which was carried, and the bill ordered to be engrossed for a third reading.

The bill to amend the militia law, so far as concerns the sixtieth regiment of Alabama militia, was read the second time, and ordered to be engrossed for a third reading.

The bill to change the name of John Miller to John Perrett, jr. was read the second time, and referred to the committee on the judiciary.

The bill to prevent litigation between attorneys and their clients, and to save the time and money of the county, was read the second time:

Mr. Hill moved to amend, by way of substitute:

Mr. Clemens moved to amend the amendment:

Mr. Howard moved to refer the bill and amendments to the committee on the judiciary:

Mr. Davis of L. moved to lay the amendment to the amendment on the table:

Mr. Norman moved to lay the bill and amendments on the table; which was carried.

The bill to regulate the rights and liabilities of husband and wife in regard to property, was read the second time:

Mr. Jones of Limestone moved to refer the bill to the committee on the judiciary; which was lost.

Mr. Smith moved to refer the bill to a select committee of nine members; which was carried.

The hour of twelve having arrived, the House took up the orders of the day, and proceeded first to the consideration of the bill to exempt certain property from execution; the question pending on the amendment offered by Mr. Bell:

Mr. Fletcher moved the previous question; which was not sustained.

The question was taken on the adoption of the amendment; and lost.

The bill passed.

The engrossed bill for the relief of George W. Ptomey and others, of the county of Wilcox, was read the third time:

Mr. Jemison moved to lay the bill on the table; which was lost.

The bill passed.

The engrossed bill to attach a part of the Camden beat to the Woodville beat, in Jackson county, was read the third time, and passed.

The engrossed bill to regulate the compensation of witnesses, was read the third time:

Mr. Maples moved to amend:

Mr. Portis moved to postpone the bill indefinitely; which was carried. Yeas 57—Nays 42:

YEAS—messrs. Speaker, Clay, Cobb, Cook, Croom, Davis of L. Dufreese, Gamble, Gewin, Hall, Harris, Howard, Inge, Jemison, Johnson, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, King, Kittrell, Lea, Mason, McClung, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Perrine, Perry, Portis, Rhodes, Roby, Rose, Scott of M. Seawell, Smith of M. Snowden, Spencer, Steele, Stith, Storrs, Vinson, Walker, Watts of B. Watts of D. Williams of M. Winston and Young.



**NAYS**—messrs. Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Bowdon, Brandon, Bunting, Chandler, Clemens, Cooper, Davis of F. Dunn, Fletcher, Garrett, Grady, Hill, Hobdy, Jackson, Jones of Benton, Kennedy, Kidd, Kimbell, Maples, Martin, Meriwether, Merrick, Patton, Phillips, Prince, Scott of J. Smith of L. Speight, Treadwell, Webb and Williams of J.

A message from the Senate, by Mr. Marrast:

The Senate has adopted the following resolution:

*Resolved*, That with the consent of the House, the two houses will assemble in the Hall of the House on to morrow, the nineteenth instant, at twelve o'clock, m. for the purpose of electing a Judge of the County Court of Montgomery County.

The House resumed the consideration of the orders of the day.

The bill for the relief of State witnesses in the County of Blount, was read the third time, and lost.

The engrossed bill to require the Clerks of Pickens County, to make and keep a reversed index to the several books in their offices, was read the third time and passed.

The engrossed bill for the relief of Mrs. Casey Snead, of Limestone County, was read the third time, and passed.

The engrossed bill for the relief of James Lacy and Hetty Lowe, of Fayette County, was read the third time.

Mr. Lea moved to amend by way of engrossed rider; which was adopted, and the bill passed—Yeas 56, Nays 33.

**YEAS**—messrs Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Cobb, Cooper, Davis of F. Davis of L. Fletcher, Gamble, Garrett, Gewin, Hall, Hill, Hobdy, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Kidd, Kittrell, Lea, Maples, Mason, Merrick, Mirce, Morrison, Mudd, Patton, Perry, Portis, Prince, Seawell, Smith of M. Speight, Spencer, Steele, Stith, Treadwell, Vinson, Walker, Watts of D. Webb, Williams of M. Winston and Young.

**NAYS**—messrs. Brandon, Bunting, Chandler, Clay, Cook, Dunn, Grady, Harris, Howard, Jackson, Jamison, Jones of Limestone, Judge, Kimbell, King, Martin, McClung, Meriwether, Mitchell of T. Morrisett, Norman, Perrine, Phillips, Rhodes, Rose, Scott of J. Scott of M. Smith of L. Snowden, Storrs, Watts of B. and Woodward.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed bill of the following titles:

A bill to regulate the pay of petit jurors in the Counties of Henry, Dale, Coffee and Covington:

A bill to prevent suits from being brought in the names of other persons without his, her or their consent:

A bill, to extend the time for the removal of certain slaves emancipated by the decree of the County Court of Clarke County:

A bill, to exempt executors from giving bond and security for the faithful performance of their duties, with certain provisos:

A bill, to regulate the effect of sales under the decrees of the Court of Equity in certain cases: also,

Joint resolutions for the relief of Dr. Ransom Warner:

Joint resolution of the Senate and House of Representatives:

In which the concurrence of the House is requested.

And then the House adjourned until to-morrow morning, ten o'clock.

DECEMBER 19, 1844.

The House met pursuant to adjournment.

The resolution of the Senate proposing to go into an election of a Judge of the County Court of Montgomery county, on this day at twelve o'clock, was concurred in:

Mr. Speaker laid before the House the report of the inspectors of the Penitentiary, showing the amount of profits and loss on said institution.

Ordered, that the report be referred to the committee on the Penitentiary, with instructions to print two hundred copies for the use of the House.

Mr. Speaker laid before the House the report of the Cashier of the Branch Bank at Mobile showing the indebtedness of the members of the Legislature.

Ordered, that the report be referred to the committee on the State Bank and Branches, with instructions to prepare a condensed statement of the liabilities of the members of the General Assembly, and report the same to the House.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed a bill incorporating the Town of Eutaw, in the county of Greene, in which the concurrence of the House is requested.

The Senate has also adopted

Joint resolutions of the Senate and House of Representatives, of the State of Alabama, on the subject of postage.

Mr. Hall introduced a bill to incorporate the Mobile and Baldwin Manufacturing Company; which was read the first and second times forthwith, and referred to the committee on corporations.

Mr. Watts of B. introduced a bill to change the mode of appointing assessors in the several counties in this State; which was read the first time and ordered to a second reading.

Mr. Perrine introduced a bill to incorporate a female academy in the Town of Eutaw, in Greene county; which was read the first time, and ordered to second reading.

Mr. Williams of J. presented a petition from sundry citizens of Jackson county, in relation to a certain election precinct; which was referred to the delegation from Jackson county.

Mr. Smith of M. introduced a bill to amend an act to raise a revenue for State Government, so far as relates to the election of Tax collectors.

Mr. Smith of M. introduced a bill to compensate Wm. Hawn, Cashier of the Bank of Alabama, for servant hire for the use of said Bank:

Mr. Kennedy introduced a bill for the relief of Edmund B. Cody:

Which were severally read the first time, and ordered to a second reading.

Mr. Chandler introduced a bill to incorporate the Trustees of the Bethel Church and Seamen's Home; which was read the first and second times forthwith and referred to the committee on corporations.

Mr. Allen of R. introduced a bill to authorize the Judge of the County Court and Commissioners of Roads and Revenue of Randolph county, to levy and collect a special tax, &c.; which was read the first time and ordered to a second reading.

Mr. Storrs presented a petition from the Court of Roads and Revenue of Shelby county, in regard to a special county tax; which was referred to the delegation from Shelby county.

Mr. Inge presented the petition of the Bar in Sumter county, in reference to the chancery system; which was referred to the committee on the judiciary.

Mr. Jemison introduced a bill to incorporate the Philomathic Society of the University of Alabama; which was read the first time, and ordered to a second reading.

Mr. Mitchell of T. presented the petition of John Zaner and others; which was referred to the committee on the judiciary.

Mr. Mitchell of T. introduced a bill to repeal the fourteenth chapter of the Penal Code; which was read the first time, and referred to a second reading.

Mr. Judge presented the petition of the Bar of Lowndes county, in regard to the Chancery system; which was referred to the committee on the judiciary.

Mr. Clay presented a similar petition from the Huntsville Bar; which was referred to the same committee.

Mr. Mitchell of T. from the committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Greene county, in relation to the road law; reported

A bill to amend the road laws in the county of Greene; which was read the first and second times forthwith, and on motion of

Mr. Croom, referred to the delegation from Greene county.

Mr. Walker, from the committee on the military, to whom was referred the bill to create an additional company beat in the county of St. Clair, reported the bill to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Scott of J. from the committee on accounts, to whom was referred the bill for the compensation of John R. Ware and Lawson Wilkiford, reported a substitute for the original bill, and recommended its passage:

The substitute was adopted, and ordered to be engrossed for a third reading.

Mr. Walker, from the committee on the military, to whom was referred the bill authorizing the formation of two captain's companies in the County of Blount, reported the bill without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Martin, from the committee on the State Bank and Branches, to whom was referred so much of the Governor's message as relates to the State bonds due in the years eighteen hundred and forty-two, eighteen hundred and forty-four and eighteen hundred and sixty-three, which have been paid by the Branch Bank at Huntsville, and now on deposit in the State Bank; reported,

A bill to destroy certain bonds therein named; which was read the first time and ordered to a second reading.

Mr. Scott of J. from the committee on accounts, to whom was referred the claims of Samuel Ward, reported the same to the House as not being a State charge.

Ordered, that the report lie on the table.

Mr. Scott of J. from the same committee, reported the account of A. P. Galloway, as not audited.

Ordered, that the report lie on the table.

Mr. Scott of J. from the same committee, reported the account of John W. Wadford, as not being a State charge.

Ordered, that the report lie on the table.

Mr. Scott of J. from the same committee, reported the account of Bayles E. Grace, as not being a State charge.

Ordered, that the report lie on the table.

Mr. Scott of J. from the same committee, reported the account of L. L. Houston, as not properly authenticated.

Ordered, that the report lie on the table.

Mr. Scott of J. from the same committee, to whom was referred the account of Zachariah Monk, reported the same as not being a State charge, and asked to be discharged from its further consideration.

Ordered, that the committee be discharged.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of W. W. Ganard; reported the same to the House, and recommended its reference to the committee on Federal relations, and asked to be discharged from its further consideration.

Ordered, that the report lie on the table.

On motion of Mr. Alexander, the petition was referred to the committee on ways and means.

Mr. Kittrell, from the select committee, to whom was referred the petition of sundry citizens of Greene county, praying the incorporation of the town of Union, in said county; reported,

A bill to incorporate the town of Union, in the county of Greene, which was read the first time and ordered to a second reading.

On motion of Mr. Davis of L.

*Resolved*, That the committee on the State Bank and Branches, be instructed to report to this House, at as early a day as practicable, the

amount and condition of the different funds, made a part of the capital of said Bank or Branches, or of any other public funds deposited in said Bank.

On motion of Mr. Chandler,

*Resolved*, That the committee on apportionment be, and it is hereby authorized to employ the Secretary of State to revise and correct the returns of the census, so far as to ascertain the true number of the white population.

On motion of Mr. Portis,

*Resolved*, That the President of the State Bank be requested to transmit to this House at the earliest practicable day, a table showing the exact condition of the sixteenth section fund in this State, exhibiting the amount of principal due the several townships of each county in this State, in cash and by note.

On motion of Mr. Jones of Limestone,

*Resolved*, That the committee on the State Bank and Branches be instructed to inquire into the propriety of reducing all the officers of the several Banks to three each, and of uniting the office of President and Cashier in the same man, and of Directors and Clerks in the same men, with leave to report by bill or otherwise.

Mr. Clemens moved to take from among the orders of the day, the bill to appropriate the two per cent. fund; which was carried.

Mr. Clemens moved to refer the bill to the committee on internal improvement.

Mr. Bowdon moved to amend the motion by instructing the committee to print one hundred copies for the use of the House.

A division of the question being called, it was first taken on referring the bill to the committee on internal improvement and carried.

The question recurred on ordering the committee to print one hundred copies of the bill, and was lost.

The House proceeded to the consideration of the orders of the day.

The engrossed bill to authorize James Dent and others, to build a bridge across the Tallapoosa river, in Tallapoosa county, was read the third time and passed.

Twelve o'clock having arrived:

On motion of Mr. Allen of B.

*Resolved*, That the Senate be now invited into the Hall of the House, for the purpose of electing a Judge for the County Court of Montgomery county.

The Senate repaired to the Hall of the House, and the two Houses proceeded to elect a Judge for the County Court of Montgomery county.

*Benajah S. Bibb* and *Thomas S. Mays* being in nomination:

Those who voted for *Mr. Bibb*, are—messrs. Arrington, Dent, Dougherty, Fleming, Gilchrist, Hardaway, Moores, McAlpin, Norris, Oliver, Reese, Spruill, Walker of L. Ward, and Watrous, of the Senate; and messrs. Baker, Barnett, Brandon, Bunting, Clarke, Clemens, Cook, Cooper, Croom, Davis of L. Dufreese, Dunn, Grady, Hall, Harrie, Hill,

Howard, Inge, Jemison, Johnson, Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Morrison, Mudd, Patton, Perry, Prince, Rhodes, Roby, Rose, Scott of Macon, Smith of Marengo, Snowden, Stith, Storrs, Walker, Watts of B. Watts of D. and Williams of M. of the House.

Those who voted for *Mr. Mays*, are—messrs. President, Ashe, Bishop, Creagh, Dargan, Griffin, Harris, Hudson, Marchbanks, McClanahan, Posey, Sellers, Smith, Walker of B. Walthall, Winston and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Bowdon, Chandler, Clay, Cobb, Davis of F. Edwards, Fletcher, Gamble, Garret, Gewin, Griffin, Hays, Hobdy, Jackson, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Lea, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B. Norman, Perrine, Phillips, Portis, Scott of J. Smith of L. Speight, Steele, Treadwell, Vinson, Williams of J. Winston, Woodward and Young of the House.

*Mr. Mays* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Montgomery County, for the term prescribed by the constitution.

The Senate then withdrew, and the House resumed the consideration of the orders of the day.

The engrossed bill in relation to the county claims of Dale and Coffee counties:

The engrossed bill for the support of paupers, in the county of Talladega:

The engrossed bill to compel the Judge of the County Court of Walker county, to reside within eight miles of the county site thereof:

The engrossed bill to compel certain persons therein named, to work on public roads in Blount county:

The engrossed bill to amend an act entitled an act to incorporate the town of Dayton, in Marengo county:

The engrossed bill in relation to the county tax of Sumter county: and,

The engrossed bill to confirm the emancipation of certain persons therein named, were severally read the third time and passed.

The engrossed bill for the relief of James H. Rains, of Blount county, was read the third time.

Mr. Jemison moved to lay the bill on the table; which was lost, and the bill passed.

The engrossed bill for the relief of Doctor Elijah Dodson, was read a third time.

Mr. Kimbell moved to add an additional section, by way of engrossed rider; which was adopted, and the bill passed.

The engrossed bill for the relief of the creditors of Peter Buckhart, was read the third time and passed.

The engrossed bill to prevent the Judge of the County Court and

Commissioners of roads and revenue, of the county of Covington, from receiving any pay for services rendered at a Commissioners' Court.

The engrossed bill relating to the Commissioners' Court of Cherokee county:

The engrossed bill to authorize Adam Harrell to build a fish trap on the Coosa river, were severally read the third time and passed:

The engrossed bill to emancipate slave William, was read the third time and passed. Yeas 58, nays 26.

YEAS—Messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Brandon, Chandler, Clarke, Cobb, Cooper, Davis of F. Dufresne, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Hall, Hays, Hill, Hobdy, Jackson, Johnson, Jones of Blount, Jones of F. Jones of Limestone, Judge, Kennedy, Kittrell, Lea, Maples, Martin, Mason, Merrick, Mitchell of B. Morrison, Perry, Phillips, Portis, Prince, Rhodes, Scott of J. Seawell, Speight, Steele, Stith, Storrs, Vinson, Webb, Williams of M. Winston, Woodward and Young.

NAYS—messrs. Alexander, Bowdler, Cook, Croom, Harris, Howard, Inge, Jemison, Jones of C. Jones of Lawrence, Kild, Kimbell, King, McClung, Meriwether, Mitchell of T. Morrisett, Norman, Patton, Perrine, Smith of M. Snowden, Spencer, Watts of B. Watts of D. and Williams of J.

The engrossed bill to fix the compensation of the commissioners of roads and revenue of the counties of Dale and Coffee:

The engrossed bill to authorize the commissioners of roads and revenue in the county of Henry, to raise a revenue in said county:

The engrossed bill to require the Sheriff of Butler county, to reside within one mile of the court house of said county:

The engrossed bill authorizing the constables of the counties therein named, to execute subpoenas, by leaving a copy thereof at the residence of witnesses:

The engrossed bill to alter and amend the militia law so far as concerns the sixtieth regiment of Alabama militia: and,

The engrossed bill to amend an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church in Dallas county:

Were severally read the third time and passed.

The bill to incorporate the Bishop's Fund in the Diocese of Alabama, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of Catharine Keho, of Mobile county, was read the second time.

Mr. Jemison moved to refer the bill to the committee on the judiciary; which was lost.

The bill was ordered to be engrossed for a third reading.

The bill to abolish certain election precincts in De Kalb county, was read a second time, and referred to the committee on privileges and elections.

The bill for the relief of Thomas E. Montgomery:

The bill authorizing the Governor to appoint an agent to collect from the Federal government, the sums due to this State for advances on account of the Creek Indian hostilities; and,

The bill to repeal the several acts authorizing the appointment of Commissioners to examine the State Bank and Branches:

Were severally read the second time, and ordered to be engrossed for a third reading.

The bill in relation to hawkers and pedlers, was read the second time, and referred to the committee on ways and means.

The bill to provide for the payment of jurors in a certain county therein named, was read the second time and referred to a select committee, consisting of the counties of Coosa, Randolph, Marshall and Conecuh.

The bill to incorporate the town of Jacksonville, in Benton county, was read a second time, and referred to the committee on corporations.

The bill for the relief of the purchasers of a certain sixteenth section, was read the second time and referred to the delegation from Barbour county.

The bill to run and mark out the line between the counties of Jefferson and St. Clair, was read a second time and referred to a select committee composed of the counties of St. Clair and Jefferson.

The bill to establish an additional election precinct in the county of Lowndes, was read the second time and referred to the committee on privileges and elections.

The bill to amend an act to authorize the tax collector of Covington county to receive jury certificates only in payment of taxes &c., was read the second time and ordered to be engrossed for a third reading.

The bill to change the number of the regiment of Alabama militia, in the county of Coffee:

The bill to provide for a special term of the Commissioner's Court of roads and Revenue, for the county of De Kalb:

The bill to establish a medical board at the town of Suggsville, in the county of Clarke:

Were severally read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of James T. May, was read the second time and referred to the committee on propositions and grievances.

The bill to define what is a reasonable inability to exempt persons from road duty, was read the second time and ordered to be engrossed for a third reading.

The bill to regulate and equalize the tax on retailers in this State, was read the second time.

Mr. Dufreese moved to strike out "ten" where it occurs in the bill, and insert "one hundred."

Mr. Davis of L. moved to refer the bill to the committee on ways and means; which was carried.

And the House adjourned until to-morrow morning, ten o'clock.



DECEMBER 20, 1844.

The House met pursuant to adjournment.

On motion of Mr. Clemens,

*Resolved*, That the President of the State Bank be requested to furnish this House at as early a day as practicable, with a condensed statement of all the liabilities of the State Bank, and its several Branches, together with a statement of the annual amount of interest to be paid by said Bank and Branches, and a statement of the assets of said Bank and Branches.

Mr. Dufresne introduced a bill for the relief of Sarah Fonville; which was read the first time and ordered to a second reading.

Mr. Cooper presented the petition of sundry citizens of Cherokee county, in relation to an election precinct; which was referred to the committee on privileges and elections.

Mr. Davis of L. introduced a bill to change the time of summoning jurors in the county of Limestone:

Mr. Hays introduced a bill giving justices of the peace jurisdiction of assaults, batteries and affrays:

Which were severally read the first time, and ordered to a second reading.

Mr. Phillips introduced a bill to liquidate the Bank of the State of Alabama and Branches, and provide for the speedy payment of debts due by, and to said State Bank and Branches; which was read the first and second times forthwith, and referred to the committee on the State Bank and Branches.

A message from the Senate, by Mr. Merrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill to attach a part of township nineteen, range five, east, in the county of Greene, to the county of Perry:

A bill to amend the law on the subject of the trial of the right of property:

Mr. Chandler presented the petition of Charles Smith, and C. W. Gazam; which was referred to the committee on propositions and grievances.

Mr. Seawell presented the petition of sundry citizens of Mobile county, in behalf of Pain Powers and Alfred Bull; which was referred to the committee on propositions and grievances.

Mr. Morrisett introduced a bill to alter and amend the laws in relation to clerks, sheriffs, &c.; which was read the first time and ordered to a second reading.

Mr. Johnson presented a petition from sundry citizens of Pickens county, in regard to a certain turnpike road; which was referred to the committee on corporations.

Mr. Inge presented the petition of D. H. Trott, of Sumter county; which was referred to the committee on accounts.

Mr. Kimbell introduced a bill to incorporate the Dadeville Male and

Female Academy, in the county of Tallapoosa; which was read the first and second time forthwith, and ordered to be engrossed for a third reading.

Mr. Jemison presented the petition of John L. S. Foster; which was referred to the committee on the judiciary.

Mr. Martin introduced a bill for the relief of Daniel Cribbs, Sheriff of Tuscaloosa county; which was read the first time, and ordered to a second reading.

Mr. Mitchell of T. presented the petition of sundry citizens of Tuscaloosa county in regard to the corporate limits of said city; which was referred to the committee on corporations.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of Clement Joseph, reported

A bill for the relief Clement Joseph, of Mobile county; which was read the first time, and ordered to a second reading.

Mr. Morrisett, from the committee on accounts, to whom was referred the petition of Pratt Bull and Joseph T. Files, reported that the laws of this State would not authorize the allowance of the claim, and asked to be discharged from its further consideration.

Ordered, that the committee be discharged.

Mr. Morrisett, from the same committee, reported the account of W. P. Spiels as not being a State charge.

The report was concurred in.

Mr. Morrisett, from the same committee, to which was referred the account of W. C. Stanley, reported the same as not being a State charge.

The report was concurred in.

Mr. Croom, from the select committee, to whom was referred the bill to amend the road laws, in the county of Greene, reported the bill to the House with amendments, and recommended its passage.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Martin, from the select committee, to whom was referred the petition of sundry citizens of the city of Tuscaloosa, praying that the corporate limits of said city might be enlarged, reported the same to the House and recommitted its reference to the committee on corporations.

Ordered, that the petition be so referred.

The bill from the Senate to regulate the effect of sales under the decrees of the Court of equity in certain cases:

The bill from the Senate, to exempt executors from giving bonds and security for the faithful performance of their duties, with certain provisions:

The bill from the Senate, to extend the time for removal of certain slaves emancipated by the decree of the County Court of Clarke county:

The bill from the Senate, to regulate the pay of petit jurors in the counties of Henry, Dale, Coffee and Covington and

The bill to prevent suits from being brought in the names of any other person or persons, without his, her or their consent:

Were severally read the first time, and ordered to a second reading

The bill from the Senate, for the relief of Dr. Ransom, read the first and second time forthwith, and referred to the committee on propositions and grievances.

The Joint resolutions of the Senate and House of Representatives, were read the first time, and ordered to a second reading.

The bill from the Senate, incorporating the Town of Eutaw, in the County of Greene, was read the first time, and ordered to second reading.

Mr. Norman, from the committee on education, to whom was referred a resolution instructing said committee to inquire into the expediency of reinvesting the sixteenth section fund in real estate for the use and benefit of the several townships in this State, reported that it was inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Martin introduced a bill in relation to sixteenth sections; which was read the first time, and ordered to a second reading.

Mr. Allen of R. moved to take from the table a resolution offered by himself, in regard to the propriety of authorizing the Governor to employ an Engineer to examine the Tallapoosa River, and ascertain whether it be a navigable stream; which was carried.

Mr. Bowdon moved to strike out the words "committee on internal improvements" and insert, "a select committee composed of the counties of Randolph, Tallapoosa and Talladega," which was carried.

Mr. Bell moved to lay the resolution on the table; which was lost.

The resolution as amended was adopted.

Mr. Speaker laid before the House a communication from the Comptroller of Public Accounts, transmitting sundry accounts audited; which was referred to the committee on accounts.

Ordered, that Mr. Bell have leave of absence until Thursday next, and Mr. Johnson until Wednesday next.

On motion of Mr. Portis,

*Resolved*, That the Cashier of each of the Branch Banks in this State be requested to send to this House at the earliest practicable day, an exact statement of the amount of the sixteenth section fund in cash, and due by note, to the several townships in each county of this State, of which they may possess the information in their respective Branch Banks.

Mr. Hill moved to take from the table the bill to prevent litigation between attorneys and their clients, and to save the time and money of the country; which was carried.

Mr. Davis of L. moved to postpone the bill and amendments indefinitely.

Mr. Mudd moved to lay the amendment to the amendment on the table; which was carried.

The question was then taken on postponing the bill and amendments indefinitely, and carried. Yeas 50—Nays 41.

**YEAS**—messrs. Speaker, Alexander, Allen of R. Baker, Bell, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cook, Davis of F. Davis of L. Dufreese, Dunn, Fletcher, Garrett, Griffin, Harris, Hobdy, Howard, Inge, Jackson, Jones of Limestone, Jones of F. Jones of Limestone, Judge, McClung, Miree, Mitchell, B. Mitchell of T. Norman, Phillips, Portis, Seawell, Smith of Snowden, Speight, Stith, Vinson, Walker, Watts of B. Watts of Webb, Williams of J. and Young.

**-NAYS**—messrs. Aldridge, Allen of B. Barnett, Baugh, Beck, Cobble, Gamble, Grady, Hall, Hays, Hill, Jemison, Johnson, Jones of Blount, Jones of Lawrence, Kennedy, Kidd, Kimbell, King, Maples, Martin, Mason, Meriwether, Morrisett, Morrison, Mudd, Perrine, Perry, Prince, Rhodes, Roby, Rose, Scott of J. Scott, of M. Smith of Spencer, Steele, Storrs, Treadwell, Williams of M. and Winston.

Mr. Speaker laid before the House a communication from B. Martin, President of the University, inviting the members of the House of Representatives to attend the commencement sermon, in the Methodist Church, on Sunday the twenty-second instant, and also to attend the commencement exercises on Monday, twenty-third instant, in the Rotunda of the University.

And then the House adjourned until to-morrow morning, at ten o'clock.

DECEMBER 21, 1844.

House met pursuant to adjournment.

Ordered, that messrs. Dufreese, Spencer, Hays and Baker, have leave of absence until Thursday next, and Mr. Lansdale, until Thursday evening.

Mr. Aldridge introduced a bill, to protect the citizens of Blount county against a certain evil therein named; which was read the first time, and ordered to a second reading.

Mr. King introduced a bill to permit the Judge of the County Court of Dallas county, to authorize Robert J. Ware, administrator of Thomas O. White, deceased, to sell the lands belonging to said decedent, in said county; which was read a first, second and third times, and passed.

Mr. Norman presented the petition of sundry citizens of Franklin county, in behalf of Richard G. Moore; which was referred to the committee on propositions and grievances.

Mr. Clemens presented the petition of James Erwin, James H. Weakley, and Thomas J. Foster, late Tennessee Canal Commissioners; which was referred to the committee on the judiciary.

Mr. Clemens introduced a bill for the relief of John S. Brooks; which was read the first time, and ordered to a second reading.

Mr. Clemens introduced a bill, to exempt certain persons from patrol duty; which was read the first time, and ordered to a second reading.

Mr. Brandon presented the petition of John G. Bunly and others; which was referred to the select committee on the sixteenth section fund.

Mr. Bunting introduced a bill to form an additional militia beat in the county of Montgomery:

Mr. Hobdy introduced a bill to incorporate Orion Academy, in the county of Pike:

Which were severally read the first time, and ordered to a second reading.

Mr. Meriwether presented the petition of the Judge of the County Court and Commissioners of roads and revenue, of Tuscaloosa county; which was referred to the delegation from Tuscaloosa county.

Mr. Cook introduced joint resolutions, in relation to the proceeds of the public lands:

Mr. Jones of Lawrence moved to postpone the resolutions indefinitely; which was lost.

Mr. Jemison moved to postpone the further consideration of the resolutions until Tuesday next, and make them the special order for that day; which was carried.

Mr. Clemens, from the committee on the judiciary, to which was referred a bill, in relation to amending bills of injunction, reported the same to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to which was referred the bill for the relief of Lucinda Merritt, reported the same to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to which was referred the bill to change in part, the mode of drawing grand jurors, in the counties of Dale, Henry and Coffee, reported the same to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to which was referred a bill to change the name of John Miller to that of John Perrett, jr. reported the bill with amendments, and recommended its passage.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to which was referred the bill to repeal in part an act in Clay's Digest, page five hundred and ninety, together with an amendment, reported the same to the House, and recommended the adoption of the amendment, and the passage of the bill as amended.

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Clemens from the same committee, to which was referred a resolution, instructing said committee to inquire into the expediency of

dispensing with bond and security by executors, &c., reported, that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to which was referred the bill to abolish the office of Bank marshal, reported, that it would be inexpedient to legislate upon the subject.

The report and bill were laid on the table.

Mr. Clemens, from the same committee, to which was referred the bill to alter and amend the Chancery system in this State, reported the same to the House, with amendments, and recommended its passage.

The amendments were concurred in.

Mr. Smith of M. moved to postpone the further consideration of the bill until Thursday next, and make it the special order of that day; which was carried.

Mr. Winston, from the committee on privileges and elections, reported a bill to establish and abolish certain election precincts therein named, which was read the first and second times forthwith, and referred to the committee on privileges and elections.

Mr. McClung, from the committee on ways and means, to which was referred a resolution, instructing said committee to inquire into the propriety of making assessors likewise collectors of taxes in their respective beats, reported that it was inexpedient to legislate upon the subject.

The report was concurred in.

Mr. McClung, from the same committee, to which was referred the petition of W. W. Garrard, reported, that said petition had been improperly referred.

The report was concurred in.

On motion of Mr. McClung, the petition was referred to a select committee, composed of the delegation from Franklin and Lauderdale counties.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill giving the Orphans' Court in this State jurisdiction to compel the administrator or executor of a deceased executor, administrator or guardian, to settle the accounts of his testator or intestate, as the case may be:

A bill for the relief of Mary Ronan:

A bill to amend the law authorizing the payment of rewards for the apprehension of fugitives from justice.

Mr. McClung, from the committee on ways and means, to which was referred the bill to consolidate the offices of assessor and collector of taxes, in the county of Benton, reported, that it was inexpedient to legislate upon the subject.

Ordered, that the report be laid upon the table.

Mr. McClung, from the same committee, to which was referred the petition of sundry citizens of Lowndes county, praying the passage of a law, consolidating the offices of assessor and tax collector, reported, that it was inexpedient to legislate upon the subject.

The report was concurred in.

Mr. McClung, from the same committee, to which was referred the bill for the relief of Alford Holly, tax collector of the county of Covington, reported, that it is inexpedient to pass said bill.

Ordered, that the report lie on the table.

Mr. McClung, from the same committee, to whom was referred the bill to equalize the tax on retailers of spirituous liquors in this State, reported that it is inexpedient to pass said bill.

Ordered, that the report be laid on the table.

Mr. Clay, from the committee on internal improvement, to whom was referred the bill to appropriate the two per cent. fund, reported a substitute in lieu of the original, and recommended its passage.

Mr. Jemison moved to lay the bill on the table, and print one hundred copies.

Mr. Dunn moved that the House concur in the report of the committee; which was carried.

Mr. Jones of F. moved to amend by additional section.

Mr. Dunn moved to postpone the further consideration of the bill and amendment, until Thursday next, and make them the special order for that day, and print one hundred and thirty-three copies for the use of the House.

A division of the question being called, it was first taken on postponing the bill until Thursday next, and making it the special order for that day, and carried.

The question was taken on ordering the printing of one hundred and thirty-three copies of the bill for the use of the House and carried.

The question then recurred on ordering the printing of one hundred and thirty-three copies of the amendment and was lost. Yeas 39, nays 43.

YEAS—messrs. Speaker, Aldridge, Alexander, Baugh, Clay, Cook, Cooper, Davis of F. Dunn, Fletcher, Garrett, Hall, Jackson, Jemison, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, King, Kittrell, Maples, Mason, Meriwether, Merrick, Mitchell of T. Morrisett, Perry, Portis, Prince, Rhodes, Roby, Seawell, Speight, Steele, Smith, Vinson, Walker and Williams of M.

NAYS—messrs. Allen of B. Allen of R. Barnett, Bowdon, Brannon, Bunting, Chandler, Clarke, Clemens, Cobb, Croom, Davis of L. Dufreese, Edwards, Gamble, Gwin, Grady, Griffin, Harris, Hays, Hill, Hobdy, Howard, Jones of Benton, Jones of Limestone, Judge, Kidd, Kimbell, Lansdale, Martin, McClung, Miree, Morrison, Perrine, Phillips, Rose, Scott of M. Smith of L. Snowden, Spencer, Storrs, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Winston and Young.

A message was received from His Excellency the Governor, handed in by Mr. Garrett, transmitting resolutions of the State of South Caro-

lina, in relation to an agent sent into said State, by Massachusetts, with intentions hostile to the institutions of said State of South Carolina.

Ordered, that the documents be referred to the committee on Federal relations.

On motion of Mr. Kidd,

*Resolved*, That when this House adjourns to-day, it will adjourn until Tuesday morning, at half after nine o'clock, to afford the members of this House an opportunity to attend the annual commencement exercises of the University of Alabama.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Tuscaloosa county in behalf of Alfred Ray, reported that it was inexpedient to grant the prayer of the petitioners.

Mr. Jackson, from the same committee, to whom was referred the bill for the relief of Mary J. Arrington, reported the bill to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

The report was concurred in.

Mr. Jackson, from the same committee, to whom was referred the bill for the relief of James T. May, reported the bill to the House and recommended its passage.

The bill was ordered to be engrossed for a third reading. Yeas and nays 12.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen, R. Barnett, Brandon, Bunting, Clarke, Clay, Cobb, Cook, Coop, Croom, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gambel, Garrett, Gawin, Grady, Griffin, Hall, Hays, Hill, Hobbs, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Kimbell, King, Kittrell, Lansdale, Mason, May, Merrick, Mirce, Morrisett, Morrison, Perrine, Perry, Portis, Price, Rhodes, Rose, Scott of M. Seawell, Snowden, Speight, Steele, Storrs, Treadwell, Vinson, Walker, Watts of D. Webb, Williams of Williams of M. Winston and Young.

NAYS—messrs. Bowdon, Chandler, Dunn, Harris, Howard, Jud Martin, McClung, Meriwether, Mitchell of T. Phillips and Watts of  
And then the House adjourned.

DECEMBER 24th, 1844

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the Comptroller showing the amount paid to the Penitentiary, &c.; which was referred to the committee on the Penitentiary, with instructions to print one hundred copies for the use of the House.

Mr. Speaker laid before the House, the report of the Cashier of the Branch Bank at at Montgomery; which was referred to the committee on the State Bank and Branches, with instructions to print one hundred copies for the use of the House.



Mr. Jackson presented the petition of Joseph H. Hall, of Autauga county; which was referred to the committee on the judiciary.

Mr. Allen of B. presented petitions from sundry citizens of Benton county; which was referred to the committee on the military.

Mr. Allen of B. presented the petition of sundry citizens of Benton county, in regard to a certain sixteenth section contract; which was referred to the select committee on the sixteenth section funds.

Mr. Jones of F. introduced a bill to enable the Judge of the County Court and Commissioners of roads and revenue, for the county of Franklin, to sell certain lands therein specified; which was read the first second and third times forthwith, and passed.

Mr. Croom introduced a bill to incorporate the Eutaw and Clinton Dragoons; which was read the first time and ordered to a second reading.

Mr. Walker presented the petition of D. G. Ligon; which was referred to the committee on internal improvements.

Mr. Walker introduced a bill to abolish the common law jurisdiction of the County Court; which was read the first and second times forthwith, and referred to the committee on the judiciary.

Mr. Smith of L. presented the accounts of V. M. Benham; which were referred to the committee on the judiciary.

Mr. Scott of M. presented the petition of Elizabeth Felders; which was referred to the committee on propositions and grievances.

Mr. Scott of M. presented a petition in regard to the county line between the counties of Macon and Tallapoosa; which was referred to a committee composed of the delegation from Macon and Tallapoosa counties.

Mr. Clemens introduced a bill to authorize the Directors of the several Banks of this State, to receive bills of exchange in payment of debts; which was read the first and second times forthwith, and referred to the committee on the State Bank and Branches.

Mr. Smith of M. introduced a bill to authorize the introduction of certified copies of the record of deeds, as evidence in certain cases; which was read the first and second times and referred to the committee on the judiciary.

Mr. Kennedy presented sundry petitions in regard to a certain sixteenth section contract; which were referred to the select committee on the sixteenth section fund.

Mr. Mirce presented the petition of sundry citizens of Perry county, in regard to the retail of spirituous liquors; which was referred to the committee on corporations.

Mr. Cooper presented the accounts of L. Stalling; which were referred to the committee on accounts.

Mr. Jackson, from the committee on propositions and grievances, to which was referred the bill for the relief of Louisa Allen, reported the same to the House and recommended its passage.

The bill was engrossed for a third reading.

Mr. Jones of Benton, from the committee on enrolled bills, reported as correctly enrolled:

An act to authorize certain persons therein named, to erect a mill dam.

Mr. Stith, from the committee on corporations, to which was referred the bill to incorporate the Trustees of the Bethel Church and Seamen's Home, and recommended its passage.

The bill was read the third time forthwith, and passed.

Mr. Stith, from the same committee, to which was referred the petition of William Seaward and Joseph B. Cook, reported that it was inexpedient to grant the prayer of the petitioners.

The report was concurred in.

Mr. Stith, from the same committee, to which was referred the bill to repeal the act incorporating the Town of Jacksonville, in Benton county, reported that it was inexpedient to pass said bill. On the table. Motion of Mr. Young, the report and bill were laid on the table.

Mr. Stith, from the same committee, to which was referred the bill to incorporate the Mobile and Baldwin County Manufacturing Company, reported the bill to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Williams of M. from the committee on the judiciary, to which was referred the resolution on the subject of amending the law in regard to trading with slaves, reported:

A bill to amend the law in relation to trading with slaves and other purposes; which was read the first time:

Mr. Clemens moved to postpone the bill indefinitely; which was lost.

The bill was ordered to a second reading.

Mr. Stith, from the committee on corporations, to which was referred the bill to amend the act, incorporating the town of Troy, in Polk county, reported, that it would be inexpedient to pass said bill.

The report was concurred in.

Mr. Jones of C. from the select committee, to which was referred the bill to provide for the payment of jurors in a certain county therein named, reported a substitute in lieu of the original bill, and recommended its passage.

The substitute was adopted.

On motion of Mr. Winston, the bill was amended by adding county of De Kalb:

On motion of Mr. Aldridge, the bill was amended by adding county of Blount.

The bill was ordered to be engrossed for a third reading.

Mr. Mitchell of B. from the select committee, to which was referred the bill for the relief of purchasers of a certain sixteenth section of the county of Barbour, reported an amendment in lieu of the original bill and recommended its passage.

The substitute was adopted, and ordered to be engrossed for a third reading.

The House proceeded to the consideration of the orders of the day.

The bill to alter and amend the road laws, was read the second time, and referred to the committee on roads, bridges and ferries.

The bill to provide for paying petit jurors in the county of Randolph, and for other purposes, was read the second time, and ordered to be engrossed for a third reading.

The bill to abolish certain election precincts therein named, and to establish one in lieu thereof, in the county of St. Clair:  
The bill to establish an election precinct in the county of St. Clair:

The bill to establish an election precinct in "St. Clair," St. Canadega, at the house of John P. Rawdon, in lieu of the precinct at Hudson's mills:

Were severally read the second time, and referred to the committee on privileges and elections.

The bill to change the time of holding certain courts therein named and for other purposes, was read the second time, and referred to a select committee, composed of one member from each county in the third judicial circuit.

The bill in relation to a standard of weights and measures, was read a second time, and ordered to be engrossed for a third reading.

The bill to rescind a certain contract therein described, was read a second time, and referred to the committee on the judiciary.

The bill concerning trading boats and their traffic with slaves, in this State, was read the second time, and amended by adding, "the Tennessee, Cahawba, Coosa, and Black Warrior rivers:"

And on motion of Mr. Morrisett, referred to a select committee of three members.

The bill to establish a militia beat with a less number of privates than forty, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of Levi Freeman, was read the second time; and referred to the committee on county boundaries.

The bill to authorize the election of eight commissioners of roads and revenue, in Conculh county, was read the second time, and ordered to be engrossed for a third reading.

The bill for the final adjustment of the difficulties which exists among the citizens of Cherokee county, upon the subject of the permanent location of the county site of said county, was read the second time:

Mr. Cooper presented sundry petitions from the citizens of Cherokee county on the same subject:

On motion of Mr. Cooper, the bill and petitions were referred to the committee on propositions and grievances.

The bill for the relief of Vines Smith, was read the second time, and ordered to be engrossed for a third reading.

The bill to locate permanently the county site for Coffee county, and for other purposes, was read the second time, and ordered to be engrossed for a third reading.

The bill to compensate J. C. Rawles, Sheriff of Tallapoosa county, for certain services therein mentioned, was read the second time, and referred to the committee on accounts.

The bill for the relief of Frederick Perquet and others, was read the second time, and referred to the committee on propositions and grievances.

The bill to compensate Edward Lancaster for the improvement of Bear Creek, in Baldwin county, was read the second time, and referred to the committee on internal improvement.

The bill to authorize the Jackson County Guards, to remain a body corporate with a less number of privates than forty, was read a second time, and ordered to be engrossed for a third reading.

The bill to authorize the establishment of a Medical College at Wetumpka, was read the second time:

Mr. Kittrell moved to amend:

And the House adjourned.

#### AFTERNOON SESSION, DEC. 24, 1844.

The House met and resumed the consideration of the amendment offered by Mr. Kittrell, to the bill to establish a Medical College at Wetumpka.

The amendment is as follows:

*"Provided, That the privileges under such act shall not extend to the privileges of granting license to deal in chemical and mineral remedies."*

Mr. Moore (Mr. McClung in the chair) moved to lay the amendment on the table; which was carried.

Mr. Scott of M moved to amend as follows:

*"Provided, That the provisions of this act shall not alter or change the laws heretofore in force, regulating the practice of medicine in this State."*

Mr. Judge moved to amend the amendment by striking out all after "that" and inserting,

*"No person or persons shall be selected, employed or allowed to officiate in the Institution incorporated by this act, as Professor or Teacher, who has not had conferred upon him the degree of Doctor of Medicine, by some regular Medical College, not in operation under the Botanical or Thompsonian System exclusively: Provided however, if any person or persons other than such as is contemplated by the provisions of this act, shall officiate as Professor or Teacher in the institution incorporated by this act; then and in that case if the persons on whom the degree of Doctor of Medicine may be conferred by said institution, shall bleed,*

apply a blister of Spanish flies, administer calomel, or any of the mercurial preparations, antimony, arsenic, tartar emetic, opium, or laudanum, they shall be liable to the penalties of the act to regulate the licensing of physicians to practice and for other purposes therein named, approved twenty second December, eighteen hundred and thirty-two "

Mr. Allen of R. moved to lay the amendment to the amendment on the table; which was lost.

The question was then taken on the adoption of the amendment to the amendment and was lost. Yeas 31—Nays 42.

YEAS—messrs. Bunting, Chandler, Clarke, Cook, Cooper, Croom, Davis of F. Harris, Hall, Howard, Judge, Kennedy, Kidd, Kimball, King, Kittrell, McClung, Mitchell of T. Morrisett, Prince, Roby, Seawell, Smith of M. Snowden, Stith, Watts of B. Williams of M. and Young.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Beck, Bowdon, Brandon, Cobb, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hill, Hobdy, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Lansdale, Maples, Merrick, Morrison, Rhodes, Rose, Scott of J. Scott of M. Smith of L. Speight, Treadwell, Watts of D. Webb, Williams of J. and Winston.

The question recurred on the adoption of the amendment offered by Mr. Scott of M.

The amendment was adopted

Mr. Allen of R. moved the previous question; which was not sustained. Yeas 36—Nays 38:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen, of R. Barnett, Beck, Brandon, Cobb, Davis of F. Fletcher, Gamble, Garrett, Gewin, Hill, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Lansdale, Maples, Merrick, Morrison, Rhodes, Rose, Scott of J. Smith of L. Speight, Treadwell, Watts of D. Webb, Williams of J. Winston and Young.

NAYS—messrs. Baugh, Bowdon, Bunting, Chandler, Clarke, Cook, Cooper, Croom, Edwards, Grady, Griffin, Hall, Harris, Hobdy, Howard, Jones of F. Judge, Kennedy, Kidd, Kimball, King, Kittrell, and Jones of F. McClung, Mitchell of T. Morrisett, Perry, Phillips, Portis, Prince, Roby, Scott of M. Seawell, Smith of M. Snowden, Stith, Walker Watts of B. and Williams of M.

The bill was then ordered to be engrossed for a third reading.

Ordered, that leave of absence be granted to Mr. Steele and Mr. Morrisett, until sixth of January, and Mr. Perrine, until Thursday next.

On motion of Mr. Bowdon,

*Resolved*, That when the hour of adjournment arrives this afternoon,

House will stand adjourned until Thursday morning.

The bill for the relief of Brittain McDaniel and Nancy Collins of Fayette county, was read the second time.

Mr. Smith moved to amend by striking out all after the enacting clause and, inserting a substitute; which was carried.

The bill was then read a third time and passed.

The bill from the Senate, to provide for the more permanent location of the seat of justice in Marengo county; was read the second time, and referred to the delegation from Marengo county.

The bill to increase the salary of the Judge of the County Court of Mobile county, was read the second time and ordered to be engrossed for a third reading.

The bill for divorce certain persons therein named, and Elizabeth Tier, were severally read the second time, and ordered to be engrossed for a third reading.

The joint resolutions authorizing the Governor to loan tents and camp equipage to certain volunteer companies therein named, was read the second time.

Mr. Phillips moved to amend by way of additional section, which was adopted, and the resolutions ordered to be engrossed for a third reading.

The bill to regulate the pay of petit jurors in the county of Benton and

The bill to regulate the pay of jurors in the County of Butler, were severally read the second time, and ordered to be engrossed for a third reading.

The joint resolutions proposing an amendment to the constitution were read the second time.

Mr. Jones of Lawrence moved to strike out the word "back" when it occurs in the resolution and insert "inside."

The House then adjourned.

DECEMBER 26, 1844

The House met pursuant to adjournment.

Mr. Storrs, from the committee on enrolled bills, reported as correct enrolled,

An act to authorize the Judge of the County Court of Dallas county to permit Robert J. Ware, administrator of Thomas O. White, decedent to sell the real estate of said decedent, and for other purposes.

Mr. Hall presented the petition of Wm. C. Vaughan, Sr. and others which was referred to the committee on propositions and grievances.

Mr. Mitchell of B. presented the petition of sundry citizens of Greenville, in regare to the retail of spiritous liquors; which was referred to the committee on propositions and grievances.

Mr. Aldridge introduced a bill for the relief of Josiah Starn which was read the first time, and ordered to a second reading.

Mr. Cooper introduced a bill to prevent tax collectors from speculation

in county claims; which was read the first and second times forthwith and referred to the committee on the judiciary.

Mr. Rose presented the petition of sundry citizens of Wetumpka, in regard to the incorporation of said town; which was referred to the committee on corporations.

Mr. Rose presented the petition of sundry citizens of Coosa county, in behalf of Wm. Adkins; which was referred to the committee on propositions and grievances.

Mr. Rose presented a petition from sundry citizens of Coosa county, in regard to an election precinct; which was referred to the committee on privileges and elections.

Mr. Snowden introduced a bill for the relief of Achsah Hogg; which was read the first and second times and referred to the committee on the judiciary.

Mr. King introduced a bill to incorporate the Dallas Male and Female Academy, in the town of Selma; which was read the first time and ordered to a second reading.

Mr. Merriek introduced a bill to regulate the Orphans' Courts of Dale and Coffee counties; which was read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Merrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, in which they ask the concurrence of your honorable body:

An act authorizing the commissioners of the sixteenth section, township thirteen, range one, west, in the Demopolis Land District, to rescind a contract therein described:

A bill to be entitled an act for the relief of married women:

The Senate has also adopted the following resolution:

*Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, this day, twenty-sixth instant, at twelve o'clock, M. for the purpose of electing a Judge of the County Court of Washington county.

On motion of Mr. Preece, the resolution proposing to elect a Judge of the County Court of Washington county, was laid upon the table.

Mr. Clemens introduced a bill for the relief of the Tennessee Canal Commissioners; which was read the first and second times, and referred to the committee on the judiciary.

Mr. Miree presented a petition from John Bailey and others; which was referred to the committee on corporations.

Mr. Miree introduced a bill, to amend an act entitled an act to incorporate the Howard College, in Marion, Perry county; which was read the first and second times and ordered to be engrossed for a third reading.

Mr. Williams of Montgomery, introduced a bill to be entitled an act to alter and amend the law in relation to damages on affirmed judgments,

or decrees in the Supreme Court; which was read the first time and ordered to a second reading.

Mr. Bunting introduced a bill to establish election precincts in the county of Montgomery; which was read the first and second times and referred to the committee on privileges and elections.

Mr. Griffin introduced a bill to be entitled act for the relief of Dory A. B. Taylor, wife of Henry Taylor, of the county of Talladega; which was read the first time and ordered to a second reading.

Mr. Winston, from the committee on privileges and elections, to whom was referred sundry bills and petitions in relation to election precincts, reported back to the House:

A bill to establish and abolish certain election precincts therein named; which was amended and ordered to be engrossed for a third reading.

Mr. Winston, from the same committee, to whom was referred the bill to abolish certain election precincts therein named, and to establish one in lieu thereof in the county of St. Clair; and,

The bill to establish an election precinct in the county of Talladega, at the house of John P. Rawdon, &c., reported that the precincts mentioned in said bills, are included in the general bill, and that it is unnecessary to pass said bills.

Ordered, that said report and bill's be laid upon the table.

The bill from the Senate for the relief of married women;

The bill from the Senate to be entitled an act authorizing the commissioners of the sixteenth section, to wash thirteen, range one, west, in the Demopolis district, to resolid a certain contract therein described;

Were severally read the first time and ordered to a second reading.

Mr. Roby, from the select committee, to whom was referred the petition of sundry citizens, praying the renewal of a certain turnpike road therein named; reported,

A bill to renew a turnpike road therein named; which was read the first time and ordered to a second reading.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles, to wit:

An act to authorize certain persons therein named, to erect a mill dam; and,

An act to authorize the Judge of the County Court of Dallas county, to permit Robert J. Ware, administrator of the estate of Thomas O. White, deceased, to sell the real estate of said intestate, and for other purposes:

Which originated in the House.

The bill from the Senate to incorporate the Coosa Manufacturing Company, was read the first time and ordered to a second reading.

The bill from the Senate giving the Orphan's Court in this State, jurisdiction to compel the administrator or executor of a deceased executor, administrator or guardian, to settle the accounts of his testator or intestate, as the case may be, was read the first time and ordered to a second reading.



The bill from the Senate for the relief of Mary Ronan, was read the first time and ordered to a second reading.

The bill from the Senate to attach a part of township nineteen, range five, east, in the county of Greene to the county of Perry; was read the first and second times and referred to the committee on county boundaries.

The bill from the Senate to amend the law authorizing the payment of rewards for the apprehension of fugitives from justice, was read the first time and ordered to a second reading.

Mr. Stith offered the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of enabling vendors in possession, to defend at law against contracts for land, in cases where the vendors have not such title as they contracted, to convey, and are unable to make such title, or to indemnify the vendors against loss or damages, by consequence of such defective title, and to report by bill or otherwise; which was adopted.

Mr. Hall introduced a bill to incorporate the Bay Minette Manufacturing Company; which was read the first and second times and referred to the committee on corporations.

Mr. Portis presented the account of John B. Savage; which was referred to the committee on accounts.

Mr. Bowden introduced a joint memorial to Congress, on the subject of a National Foundry at the North; which was read and adopted.

Mr. Jones of Benton, introduced a bill to abolish the office of County Treasurer, in the county of Benton, &c.; which was read the first time and ordered to a second reading.

Mr. Davis of P., offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the existing laws in relation to assaults and batteries in this State, that in all such cases if the aggrieved parties become satisfied, it shall not be lawful for the grand jury, or any other person, to make presentment unless the same be committed in some public place, so as to disturb the public peace, and that they report by bill or otherwise.

Which was lost.

Mr. Speaker laid before the House a communication from Joel Riggs, Esq., President of the State Bank, transmitting a condensed statement, showing the liabilities of the State Bank, and its several Branches, together with a statement of the annual amount of interest, to be paid by said Bank and Branches, and the assets of the said banks.

Ordered, that the statement be referred to the committee on ways and means.

The bill for a special term of the Commissioners' Court of roads and revenue, for the county of De Kalb.

The engrossed bill to change the number of the regiment of Alabama militia, in the county of Coffee:

The engrossed bill for the relief of Thomas E. Montgomery:

The engrossed bill to incorporate the Bishop's Fund in the Diocese of Alabama:

The engrossed bill for the relief of Catharine Keho, of Mobile county:

The engrossed bill authorizing the Governor to appoint an agent to collect from the Federal Government, the sums due to this State for advances on account of the Creek Indian hostilities:

The engrossed bill to repeal the several acts authorizing the appointment of commissioners to examine the State Bank and Branches:

The engrossed bill for the support of paupers, in the county of Randolph:

The engrossed bill to enable the people of Henry county, to locate the seat of justice for said county:

The engrossed bill to amend an act to authorize the tax collector of Covington county, to receive jury certificates only in payment of taxes; and,

The engrossed bill for the compensation of John R. Ware and Lawson Williford:

Were severally read the third time and passed.

The House proceeded to the consideration of the special order,—it being the bill to reduce the wages and mileage of members of the Legislature.

The bill was read the second time:

And on motion of Mr. Davis of L., referred to a select committee of five members.

The House proceeded to the consideration of the next special order, it being the joint resolutions heretofore offered by Mr. Cook, in relation to the proceeds of the sales of the public lands.

Mr. Rose moved to amend as follows, strike out all after the ninth line, and insert:

That the Governor of the State of Alabama is authorized and hereby required, to draw upon the Secretary of the Treasury of the United States, for the sum \$<sup>100,000</sup> deposited, and to appoint a suitable agent to receive the same as early as practicable.

2d. *And be it further enacted*, That on the receipt of said sum of money, it shall be the duty of the Governor to appoint three or more suitable commissioners to carry into effect the provisions of this act, as hereinafter mentioned; the said commissioners first giving bond and security to the Governor of the State of Alabama, and his successors in office, for the faithful performance of their duties.

3d. *And be it further enacted*, That upon the execution of said bond, the amount of money received from the Secretary aforesaid, shall be paid over to the said commissioners, whose duty it shall be to invest the same in able bodied negro men, who shall be employed in the following manner, to wit:

First—In working upon and repairing in such manner as may be deemed best by said commissioners, the road leading from the city of Wetumpka to the Sulphur Springs, in Talladega county, on the Jackson trace.

Second—The road known as the old turnpike road from said city, to the court house in Talladega county.

Third—The road known as the \_\_\_\_\_ road leading from said city to Jacksonville, in the county of Benton, and to the Double Springs on Coosa river.

Fourth—The road leading from said city to Lafayette, in the county of Chambers, thence to Crawfordsville, in the county of Russell.

Sixth—The road leading from said city to Tuskegee, in the county of Macon, by the way of \_\_\_\_\_ in the way of \_\_\_\_\_ in the county of Tallapoosa.

4th. *And be it further enacted*, That so soon as the said several roads are placed in suitable repair, the said lands shall be transferred and employed in the cleaning out and removing obstructions from the Conecuh river, thence to cleaning out and removing obstructions from the Alabama, the Tombigbee and Black Warrior rivers; and thence to such other purposes of internal improvement, as may be deemed advisable hereafter.

5th. *And be it further enacted*, That it shall be the duty of said commissioners, to employ such a number of suitable inspectors or overseers of said lands, as may be deemed expedient, and that the sum of \_\_\_\_\_ dollars, be, and the same is reserved and set apart from said fund, for the purchase of utensils of labor, the support and maintenance of said hands, and for compensation to said inspectors or overseers and commissioners.

6th. *And be it further enacted*, That for the services to be rendered as aforesaid, the said commissioners shall be entitled to receive the sum of \_\_\_\_\_ dollars each.

Mr. McClung moved to postpone the resolutions and amendment indefinitely.

And then the House adjourned.

#### AFTERNOON SESSION, December 26, 1844.

The House met and resumed the consideration of the resolutions offered by Mr. Cook in relation to the proceeds of the sales of the public lands,—the question pending on the motion of Mr. McClung, to postpone the resolutions and amendment indefinitely.

The vote was taken, and the joint resolutions and amendment, were indefinitely postponed. Yeas 55—Nays 32:

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baugh, Beck, Bowdon, Brandon, Clay, Clemens, Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hobdy, Jackson, Jones of Ben. Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Lansdale, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B. Morrison, Norman, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Speight, Stith, Treadwell, Walker, Watts of B. Webb, Williams of J. Winston and Young.

**NAYS**—messrs. Barnett, Bunting, Chandler, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hill, Howard, Inge, Jemison, Johnson, Jones of Limestone, Judge, Kidd, Kimbell, King, Mitchell of T. Morrisett, Mudd, Prince, Rhodes, Scott of M. Smith of M. Snowden, Storrs, Watts of D. and Williams of M.

The House proceeded to the consideration of the next special order, it being the bill to alter and amend the Chancery system in this State; the bill was read the second time.

Mr. Allen of R. moved to postpone the farther consideration of the bill until the tenth day of January.

And the House adjourned.

DECEMBER 27, 1844.

The House met pursuant to adjournment.

Mr. Cooper presented the petition of Andrew N. Baird and others, praying for the establishment of a precinct; which was referred to the committee on privileges and elections.

Mr. Garrett introduced a bill to be entitled an act, requiring a special Commissioners' Court in Cherokee county; which was read the first time and ordered to a second reading.

Mr. Parris introduced a bill to be entitled an act to authorize the Governor to require the agent of the State to take possession of the Salt Reserve Lands in Clarke county, and to allow of a compensation to said agent; which was read the first, second and third times and passed.

Mr. Snowden introduced a bill to provide for the election of an assessor for Covington county; which was read the first time and ordered to a second reading.

Mr. Merrick introduced a bill for the relief of Elizabeth A. Lea; which was read the first time, and ordered to a second reading.

Mr. Croom presented the petition of H. Tindal and others, to rescind a sale of the sixteenth section, in township nineteen, range four, east; which was referred to the committee on the sixteenth section fund.

Mr. Cobb presented a petition from sundry citizens of Jackson county; which was referred to a select committee, composed of the delegation from Jackson county.

Mr. Mudd presented the account of Peter Anderson; which was referred to the committee on accounts.

Also, the account of B. E. Grace; which was referred to the same committee.

Mr. Walker presented a petition from sundry citizens of Lawrence county, in regard to the corporate limits of the Town of Courtland; which was referred to the delegation from Lawrence county.

Mr. Jones presented a petition from sundry citizens of Lawrence county in regard to the sixteenth section, of township four, range

nine, in said county; which was referred to the delegation from Lawrence county.

Mr. Walker introduced a bill to be entitled an act, for the relief of assignees of bonds and notes; which was read the first and second times, and referred to the committee on the judiciary.

Mr. Smith of L. presented the petition of John H. Rapier:

Mr. Smith of L. also introduced a bill, legitimating the children of John Rapier:

Which were read the first time, and ordered to a second reading.

Mr. Judge presented the account of John Dilborn; which was referred to the committee on accounts.

Mr. Hays introduced a bill to confer certain powers on the Commissioners' court of roads and revenue therein named; which was read the first time, and ordered to a second reading.

Mr. Phillips presented the petition of A. Leonard and others; which was referred to a select committee, of messrs. Phillips, Judge, Lea, Williams of J. and Rose.

Mr. Chandler presented the report of Henry Goldthwaite and others, in regard to the Planters' and Merchants' Bank of Mobile:

Mr. Chandler also introduced a bill to amend the laws heretofore enacted for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile:

Which were read the first and second times, and referred to the committee on the State Bank and Branches.

Mr. Chandler presented the account of T. F. Samuel; which was referred to the committee on accounts.

Mr. Allen of R. presented the account of Wm. S. Walker; which was referred to the committee on accounts.

Mr. Barnett introduced a bill to authorize the rescission of a contract for the sale of a part of sixteenth section, in Russell county; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Barnett introduced a bill to amend the laws in relation to strays; which was read the first time and ordered to a second reading.

Mr. Barnett presented the account of James Daniel; which was referred to the committee on accounts.

Mr. Prince presented the petition of Desha, Sheppard, & Co., and others, of Mobile, praying the repeal of the law, prohibiting foreign corporations from dealing in bills of exchange; which was referred to a select committee of five members, to wit: messrs. Prince, Dunn, Walker, Morrisett and Portis.

Mr. Treadwell introduced a bill to incorporate the Eufaula male and female academy; which was read the first time, and ordered to a second reading.

Mr. Dunn, from the committee on internal improvement, to which was referred the bill to compensate Edward Lancaster for the improvement of Bear Creek, in Baldwin county, reported, that it was inexpedient to pass the bill. The report was concurred in.

Mr. Dunn, from the same committee, to which was referred the petition of David G. Ligon, reported the same to the House, and asked to be discharged from its further consideration.

Ordered, that the committee be discharged.

On motion of Mr. Dunn, the petition was referred to the committee on roads, bridges and ferries.

Mr. Dunn, from the same committee, to which was referred the petition of Solomon Lilve and others, reported.

A bill declaring the Conecuh river a public highway; which was read the first time, and ordered to a second reading.

On motion of Mr. Brandon,

*Resolved*, That the committee on the Penitentiary be instructed to inquire into the expediency of so amending the law on the Penitentiary, as to work at least a portion of the convicts on all public improvements in this State, with leave to report by bill or otherwise.

The House proceeded to the consideration of the engrossed bills:

The engrossed bill to establish a Medical Board at Sugsville, in the county of Clarke:

The engrossed bill authorizing the formation of two Captain's companies, in the county of Blount:

The engrossed bill to define what is a reasonable inability to exempt persons from road duty:

Were severally read the third time, and passed.

Mr. Norman presented the petition of sundry citizens of Franklin county, in relation to the office of Bank marshal; which was referred to the committee on the State Bank and Branches.

Mr. Jemison introduced a bill to prevent the hiring of negroes in certain cases, &c.; which was read the first and second times, and referred to a select committee of three members, to wit: messrs. Jemison, Williams of M and Croom.

Mr. Stith introduced a bill to repeal an act entitled an act, to attach a part of the county of Pickens to the county of Greene, approved, fourteenth of February, eighteen hundred and forty-three; which was read the first time, and ordered to a second reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill to be entitled an act, for the relief of Jacob S. Marsh:

A bill to be entitled an act, for the relief of Robert Terry:

A bill to be entitled an act, to change the name of Benjamin D. Horton, of Madison county:

A bill to be entitled an act, to change the name of a certain person therein named, and for other purposes:

A bill to be entitled an act, to confer power on the Clerks of the Circuit and County Courts, to issue attachments:

A bill to be entitled an act, for the relief of Darwin S. P. Thompson, tax collector of Marengo county:

A bill to be entitled an act, to explain an act, for the relief of Thom:

as J. Zimmerman and William O. Pullen, passed, fourth of February, eighteen hundred and forty-three:

A bill to be entitled an act, to divide the county of Walker into two regiments:

A bill to be entitled an act, to appoint Will E. Bird, escheator, for the county of Dallas:

In which the concurrence of your Honorable body is respectfully asked.

The Senate has also passed the following bills from the House of Representatives:

A bill to be entitled an act, to require the Clerks of Pickens county, to make and keep a reversed index to the several books of their offices:

A bill to be entitled an act, to attach a part of the Camden beat to the Woodville beat, in Jackson county:

A bill to be entitled an act, for the relief of George W. Ptomey and others, in the county of Wilcox:

A bill to be entitled an act, to amend an act entitled an act, to incorporate the Town of Dayton, in Marengo county:

A bill to be entitled an act for the support of paupers in Talladega county:

A bill to be entitled an act in relation to the county claims of Dale and Coffee counties:

A bill to be entitled an act, to amend an act incorporating the Centenary Institute of Alabama Annual Conference of the Methodist Episcopal Church, in Dallas county.

A bill to be entitled an act to authorize the Commissioners of Roads and Revenue in the county of Henry, to raise a revenue in said county:

A bill to be entitled an act to fix the compensation of Commissioners of Roads and Revenue, of Dale and Coffee:

A bill to be entitled an act relating to the Commissioners Court of Cherokee county:

A bill to be entitled an act to prevent the Judges of the County Court and Commissioners of Roads and Revenue of the County of Covington, from receiving any compensation for services rendered at a Commissioners' Court:

A bill to be entitled an act to confirm the emancipation of certain persons therein named:

A bill to be entitled an act to authorize James Dent and others, to build a bridge across the Tallapoosa River in Tallapoosa county:

A bill to be entitled an act to emancipate a negro slave William:

The engrossed bill to create an additional company beat in the county of St. Clair:

The engrossed bill to amend the road laws in the counties of Greene and Marengo:

The engrossed bill to incorporate the Dadeville Academy, in the county of Tallapoosa:

The engrossed bill to change the name of John Miller, to that of John Perrett, Jr:

The engrossed bill for the relief of James T. May:

The engrossed bill in relation to amending bills for injunction:

The engrossed bill to repeal in part, an act—Clay's Digest, page five hundred and ninety, section third:

The engrossed bill for the relief of Mary Jackson Arrington, of the county of Sumner:

The engrossed bill authorizing the Governor to loan tents and camp equipage to certain volunteer companies therein named:

The engrossed bill to change in part the mode of drawing Grand and Petit Jurors for the counties of Henry, Dale and Coffee:

The engrossed bill for the relief of Lucinda Merritt:

The engrossed bill for the relief of the purchasers of a certain sixteenth section, in the county of Barbour:

The engrossed bill to provide for the payment of jurors in certain counties therein named:

Were severally read the third time and passed.

The engrossed bill to provide for the paying petit jurors in the county of Randolph and for other purposes, was read the third time, and lost. Yeas 29—Nays 49.

YEAS—messrs. Aldridge, Allen of B. Allen of B. Clemens, Cooper, Davis of L. Desome, Fletcher, Gamble, Garrett, Griffin, Hill, Hobbs, Jones of Benton, Jones of Blount, Jones of C. Kennedy, Kidd, Kimbel, Landoltz, McDaniel, Mitchell of B. Perry, Rhodes, Snowden, Walker, Webb, Williams of J. and Young.

NAYS—messrs. Barker, Bugh, Beck, Brandon, Hunting, Chandler, Clarke, Clay, Cobb, Cook, Crane, Davis of F. Dufresne, Gewin, Grady, Hall, Hays, Howard, Judge, Jackson, Jenison, Jones of F. Jones of Lawrence, Jones of Leakeston, Leger, King, Maples, Martin, McClung, Meriwether, Mitchell of T. Morrison, Morrison, Mudd, Perrine, Porter, Preece, Roby, Scott of M. Sewell, Smith of L. Smith of M. Speight, Stith, Storrs, Treadwell, Watts of B. Watts of D. and Williams of M.

The engrossed bill in relation to a standard of weights and measures: and

The engrossed bill to establish a military beat with a less number of privates than forty:

Were severally read a third time, and passed.

The hour of twelve having arrived, the House proceeded to the consideration of the special order, it being the bill to alter and amend the Chancery system of this State.

Mr. Allen of R. withdrew his motion to postpone, and moved to amend as follows:

Strike out all after the enacting clause and insert,

1st. That from and after the passage of this act, the separate Chancery system of the State of Alabama, be, and the same is hereby abolished.

2d. Be it further enacted, That the several Circuit Judges of this



State shall be vested with full power and authority to hear and decide all Chancery causes.

*3d. And be it further enacted,* That the several Registers in this State, be, and they are hereby required to return all papers and records in their several offices, to the clerks of the County in which their office may be respectively situated.

*4th. And be it further enacted,* That when there is but one Register for two or more counties, such Register shall return the papers to the office of the Clerk of the Circuit Court of the county in which the cause has originated with a transcript of all orders and decrees made therein, but the records shall be returned to the office of the Clerk of the Circuit Court of the county in which such Register's office may be.

*5th. And be it further enacted,* That at the beginning of each term of any Circuit Court of any county in this State, it shall be the duty of the presiding Judge to set apart one or more days, as in his opinion may be necessary for the hearing of Chancery causes, and such causes shall then be taken up and disposed of in their regular order.

Mr. Lige moved to lay the amendment on the table.

A division of the question being called for, it was first taken on laying the amendment on the table and carried. Yeas 49—Nays 36:

YEAS—Messrs. Speaker, Beck, Bell, Bowdon, Bunting Chandler, Clarke, Clay, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Garrett, Grady, Griffin, Hall, Hobdy, Howard, Inge, Jemison, Johnson, Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kimbell, King, Lansdale, Martin, McClung, Meriwether, Mitchell of T. Morrisett, Morrison, Phillips, Prince, Rhodes, Scott of M. Smith of M. S. Smith, Sparks, T. and Well, Walker, Watts of D. and Williams of M.

NAYS—Messrs. Aldridge, Allen of B. Allen of R. Barnett, Baugh, Branton, Clemens, Cobb, Edwards, Fletcher, Gewin, Hays, Hill, Jackson, Jones of Benton, Jones of Blount, Jones of C. Kennedy, Kidd, Merrick, Mudd, Perrine, Perry, Portis, Roby, Rose, Seawell, Smith of M. Snowden, Speight, Webb, Williams of J. and Young.

The question recurred on laying the bill on the table. Yeas 36—Nays 48:

YEAS—Messrs. Speaker, Aldridge, Allen of Benton, Allen of R. Baugh, Bowdon, Bunting, Clemens, Cobb, Davis of F. Edwards, Fletcher, Gewin, Griffin, Harris, Hays, Hill, Hall, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Kennedy, Kimbell, Lansdale, Maples, Mitchell of B. Morrison, Perry, Roby, Smith of L. Snowden, Speight, Williams of J. and Winston.

NAYS—Messrs. Barnett, Beck, Bell, Bowdon, Chandler, Clarke, Clay, Cook, Cooper, Croom, Davis of L. Dufreese, Dunn, Gamble, Garrett, Grady, Howard, Jemison, Johnson, Jones of Con. Jones of Franklin, Jones of Lawrence, Jones of Limestone, Judge, Kidd, King, Martin, McClung, Meriwether, Mitchell of T. Morrisett, Mudd, Perrine, Phillips, Portis, Prince, Rhodes, Scott of M. Seawell, Smith

of M. Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of M. and Young

Mr. Smith of M. moved to amend by striking out the words "Court House in Greene" and inserting "Demopolis in Marengo county."

Mr. Watts of B. moved to refer the bill to a select committee consisting of one member from each Judicial Circuit.

And then the House adjourned.

#### AFTERNOON SESSION, December 27, 1844.

The House met and resumed the consideration of the bill to alter and amend the Chancery System in Alabama:

The question was taken on the motion of Mr. Watts of B. and the bill was referred to a select committee, composed of one member from each Judicial Circuit, to wit:

Messrs. Watts of B. Jackson, Martin, Jones of Limestone, McClung, Seawell, Inge, Mitchell of B. and Bowdon.

The House then proceeded to the consideration of the next special order—it being the bill to appropriate the two per cent fund:

The question pending on the motion of Mr. Jones of F. to amend, as follows:

*"And be it further enacted, That the interest and profits arising from the investment of all of the two per cent. fund, shall, by and with the consent of Congress being first had and obtained, be applied to the purposes of common school education, under the direction of the Legislature of this State."*

Mr. Clemens moved to lay the amendment on the table; which was carried. Yeas 52—Nays 34:

YEAS—messrs. Speaker, Allen of R. Barnett, Beck, Bowdon, Brandon, Bunting, Chandler, Clay, Clemens, Cobb, Cook, Croom, Davis of L. Dunn, Fletcher, Gamble, Grady, Griffin, Harris, Hays, Hill, Hobdy, Inge, Jones of Blount, Jones of Limestone, Judge, Kimbell, King, Lunsdale, Maples, Martin, McClung, Morrisett, Perrine, Phillips, Rose, Scott of J. Scott of M. Seawell, Smith of M. Snowden, Speight, Stith, Storrs, Watts of B. Webb, Williams of J. Williams of M. Winston and Young.

NAYS—messrs. Aldridge, Allen of B. Baker, Baugh, Bell, Clarke, Cooper, Davis of F. Dufrese, Garrett, Gewin, Hall, Jackson, Johnson, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Meriwether, Merrick, Mitchell of T. Morrison, Mudd, Norman, Perry, Portis, Prince, Rhodes, Roby, Treadwell, Walker and Watts of D.

Mr. Phillips moved to amend as follows:

*"And it is hereby expressly provided, that it shall be competent for the Legislature at any time to charter a rail road so as to complete the connection of the Tennessee river with the waters of the Mobile bay; which road shall if it be deemed expedient form a junction with the said Tennessee and Coosa rail road, so as to form a continuous line of road;*

and the Legislature shall have power in cases of disagreement between the companies of said roads to determine upon the apportionment of freights and passage moneys, &c., to be received by each."

Mr. Dunn moved to amend the amendment by adding "or canal," after the word "road," where it occurs; which was adopted.

Mr. King moved to amend by inserting the word "navigable" before the word "waters," where it occurs in the amendment; which was adopted, and the amendment as amended adopted.

Mr. Bowdon moved to amend as follows:

*"And be it further enacted,* That if the State should elect to invest said fund in the stock of said road, then the interest thereon accruing shall be appropriated under such rules and regulations as may be hereafter made to the construction of a line of internal improvement from Wetumpka to the eastern terminus of said road. And in the event the State should not renew the loan in the foregoing section of this bill specified, then both the principal and interest shall be applied under such rules and regulations as may hereafter be prescribed by the Legislature to the construction of the line of improvement in this section mentioned."

Mr. Clemens moved the previous question; which was not sustained. Yeas 35—Nays 46:

YEAS—messrs. Aldridge, Allen of B. Baker, Barnett, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Dunn, Fletcher, Gamble, Hays, Hill, Johnson, Jones of Blount, Judge, Kimbell, Lansdale, McClung, Mitchell of T. Morrison, Norman, Perrine, Roby, Rose, Smith of L. Speight, Walker, Webb, Williams of J. Williams of M. Winston and Young.

NAYS—messrs. Speaker, Allen of R. Baugh, Beck, Bell, Bowdon, Cobb, Cook, Cooper, Croom, Davis of L. Dufreese, Garrett, Gewin, Griffin, Hall, Harris, Hobdy, Howard, Inge, Jackson, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Kennedy, King, Maples, Martin, Mitchell of B. Morrisett, Mudd, Perry, Phillips, Portis, Prince, Rhodes, Scott of J. Seawell, Smith of M. Snowden, Stith, Storrs, Treadwell, Watts of B. and Watts of D.

Mr. Dufreese moved to lay the amendment on the table; which was lost. Yeas 42—Nays 42:

YEAS—messrs. Aldridge, Allen of B. Baker, Barnett, Brandon, Bunting, Chandler, Clarke, Clemens, Croom, Cooper, Davis of L. Dufreese, Dunn, Fletcher, Gamble, Grady, Hall, Hays, Hill, Inge, Jones of Blount, Jones of Limestone, Judge, Lansdale, Maples, Martin, Meriwether, Merrick, Mitchell of T. Morrison, Mudd, Norman, Perrine, Phillips, Scott of Macon, Smith of L. Smith of Mar. Stith, Watts of Dallas, Williams of M. and Winston.

NAYS—messrs. Speaker, Allen of R. Baugh, Beck, Bowdon, Clay, Cobb, Cook, Davis of F. Garrett, Gewin, Griffin, Harris, Howard, Jackson, Jones of Benton, Jones of C. Jones of Franklin, Jones of Lawrence, Kennedy, Kimbell, King, McClung, Mitchell of B. Morri-

sett, Perry Portis, Prince, Rhodes, Roby, Rose, Scott of J. Seawell, Snowden, Speight, Storrs, Treadwell, Walker, Watts of B. Webb Williams of J. and Young.

Mr. Bowdon moved to amend the amendment.

And then the House adjourned.

DECEMBER 28th, 1844.

The House met, and Mr. Clemens moved a call of the House, and the following members answered to their names:

Messrs. Aldridge, Allen of B. Allen of R. Barnett, Bell, Brandon, Banting, Chandler, Clarke, Clemens, Cook, Croom, Dufreese, Edwards, Gamble, Hall, Harris, Hays, Hobdy, Inge, Jackson, Johnson, Jones of Blount, Jones of Lawrence, Jones of Limestone, Judge, Kimbell, King, Lanstale, Maples, Martin, McClung, Merrick, Miree, Mitchell of B. Mudd, Perrine, Perry, Phillips, Portis, Prince, Rose, Smith of L. Snowden, Speight, Treadwell, Walker, Watts of D. Webb and Williams of J.

Mr. Speaker laid before the House the report of the Cashier of the Branch Bank at Montgomery; which was referred to the committee on the State Bank and Branches.

Mr. Allen of B. presented the petition of R. W. Moore and others in regard to a certain sixteenth section therein named; which was referred to the committee on the sixteenth section fund.

Mr. Aldridge presented the accounts of Austin Murphree; which was referred to the committee on accounts.

Mr. Aldridge also introduced a bill for the relief of Austin Murphree; which was read the first and second times, and referred to the committee on accounts.

Mr. King introduced a bill to incorporate the Dallas Mounted Guards, in the county of Dallas; which was read the first time and ordered to a second reading.

Mr. Croom introduced a bill to alter and amend the patrol law; which was read the first time and ordered to a second reading.

Mr. Phillips presented the petition of John Stuardi; which was referred to the committee on propositions and grievances.

Mr. Phillips introduced a bill to establish the State Mutual Insurance Company; which was read the first and second times, and referred to the committee on corporations.

Mr. Roby introduced a bill to reduce the toll on a certain turnpike road therein named; which was read the first time, and ordered to a second reading.

Mr. Clemens, from the judiciary committee, to whom was referred the bill for the relief of the Tennessee Canal Commissioners, reported the same to the House and recommended its passage.

The House refused to order the bill to a third reading. Yeas 13— Nays 71.

**YEAS**—messrs Clay, Clemens, Cooper, Davis of L. Dunn, Garrett, Jones of F. Kidd, McClung, Scott of M. Smith of M. Storrs, and Williams of M.

**NAYS**—messrs Aldridge, Alexander, Allen of B. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Cobb, Cook, Croom, Davis of F. Dufresne, Edwards, Gamble, Gewin, Grady, Griffin, Hall, Harris Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kimbell, King, Landsale, L. a, Maples, Martin, Menwether, Merriek, Mirce, Mitchell of B. Morrisett, Morrison, Mudd, Norman, Perrine, Perry, Portis, Prince, Rhodes, Roby, Rose, Scott of J. Seawell, Smith of L. Snowden, Speight, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of Jackson and Winston

Mr. Clemens, from the committee on the judiciary, to whom was referred the petition of John Zaner, reported that it was inexpedient to grant the prayer of the petitioner.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the resolution instructing said committee to inquire into the expediency of permitting vendors of lands in possession to defend at law, reported that it was inexpedient to legislate upon the subject.

The report was concurred in.

Mr. McClung, from the committee on ways and means, made the following report:

**MR. SPEAKER:**—The committee on ways and means, to whom was referred so much of the message of his Excellency the Governor “as relates to the indebtedness of the State, and the necessity of levying a tax to provide for the annual interest due by the State,” have had the subject under consideration, and instructed me to report as follows:

For the purpose of ascertaining the amount necessary to be raised by taxation, they have referred to the information collected by order of the House, from which it appears that the State of Alabama is indebted in the sum of fourteen million one hundred and nine thousand dollars and sixty seven cents, of which sum nine millions two hundred and fifteen thousand five hundred and fifty-five dollars and fifty-five cents, is evidenced by bonds issued by the State in aid of her late Banking operations, bearing interest, a portion at the rate of six per centum, and the residue at the rate of five per centum, per annum, making an aggregate annual interest of four hundred and seventy-one thousand nine hundred and seven dollars and eighty cents. This may be designated our foreign, and the remainder including Bank notes in circulation, to the amount of three millions of dollars, the University Fund and the Common School Fund to the amount of one million two hundred thousand dollars, our domestic debt. The two last items of indebtedness bear an annual interest of ninety-six thousand dollars. This sum added to the interest on our foreign debt, will require for its payment an-

nually, the sum of five hundred and sixty-seven thousand nine hundred and seven dollars and eighty cents, beside one hundred and twenty-five thousand dollars, for the purpose of defraying the expenses of our State Government, making the whole, in round numbers, seven hundred thousand dollars.

From all the information elicited by the different reports on the subject of the Banks, your Committee have come to the conclusion, however reluctantly, that not more than seven millions of the debt due from individuals, including real estate, and all available assets, can ever be realized. From this data, it is plain that the State owes seven millions of dollars over and above her estimated means of payment. This startling deficit will be found nearly correct, if the whole amount of the assets of the Banks reported by commissioners as good, had already been collected. But past experience has proved to us that much of the debt annually reported to be good, becomes doubtful and bad from delay; and although something may be realized from the latter classification, it is not probable that it will more than equal the loss on the debts now reported as good.

What shall now be done? is a question the solution of which is alike interesting to ourselves and our creditors. As yet the honor of our State remains untarnished. We have punctually met the interest on our foreign debt, and are now prepared, though at considerable sacrifice, to pay the interest for the next year. Time after time we have declared and reiterated to the world that our plighted faith should at all hazards be redeemed. Fair promises have been made in high sounding resolutions, up to the present moment. But the demands of creditors are not to be appeased by empty promises, or by any thing short of prompt and efficient taxation. We owe the debt, and as honest men we must prepare to pay it. The decision of this question, will more than any other which has ever been agitated, test the moral firmness of our people, and prove their capacity for self government. Our creditors can rely only on our honor for the payment of their just demands. The ingenuity of counsel could not devise the means of legal coercion. The absence of this coercive power, increases our obligation to raise the means of payment by voluntary action. What honest man is there, who even without the compulsion of the courts, would refuse, or neglect to pay his debts if he had the means of satisfying his creditors? No man would be tolerated in society who would acknowledge the existence of a debt against him, and then refuse to pay, if from any cause the courts of justice could not interpose in behalf of his creditor. Our people for years past until recently, were exempt from direct taxation. At a period of apparent but deceptive prosperity, it was thought that the profits of our Banking system would be more than sufficient to defray the expenses of their government. They are now awakened from these illusory dreams, and see staring them in the face this frightful indebtedness. Will they hesitate between taxation and dishonor?

To refuse to raise by voluntary levies, the means of payment, would

leave us defaulters without apology or excuse before the civilized world. It is true that these disasters have been brought upon us by unwise legislation. That many of our citizens have received no benefit from the Banks, except a temporary exemption from the payment of taxes. But this mismanagement was all acquiesced in by the people. It resulted from the action of their immediate representatives, chosen by themselves.

But your committee do not distrust their constituents, or doubt for a moment their willingness to submit to any amount of taxation, rather than permit the plighted faith of Alabama to be forfeited. The people everywhere are more liberal than demagogues, who affect to govern them, believe them to be. In other countries they submit grudgingly, to the payment of taxes which are imposed by tyrants, that they may indulge in luxury and extravagance. But in this country, where our citizens are their own sovereign, the feeling is different; they pay their taxes cheerfully, as the price of liberty. Since our disasters have befallen us, they have even held voluntary meetings, and sent up petitions praying that they may be taxed for the support of the government, and the payment of our State debts.

There is in this moral sublimity worthy of all admiration, and affords a sure guaranty, that Alabama will redeem with her property, the promises which she has heretofore made to the world. As evidence of the sincerity of these assurances, so repeatedly made, your Committee have instructed me to report the following bill, and to recommend that it pass.

J. W. McCLUNG,

Chairman of the Committee of Ways and Means.

Mr. Winston moved to lay the report on the table, and print five thousand copies thereof.

A division of the question being called, it was first taken on laying the report on the table, and carried.

The question recurred on ordering the printing of five thousand copies thereof, and was carried. Yeas 59—Nays 28.

YEAS—messrs. Speaker, Alexander, Allen of R. Baugh, Beck, Bowdon, Brandon, Bunting, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Croom, Dufreese, Dunn, Edwards, Gamble, Gewin, Grady, Harris, Hobdy, Jemison, Jones of Blount, Jones of C. Jones of F. Judge, Kidd, Kimbell, King, Landsdale, Lea, Martin, McClung, Meriwether, Merrick, Mitchell of T. Morrison, Mudd, Patton, Perrine, Perry, Phillips, Roby, Scott of J. Seawell, Smith of M. Snowden, Speight, Stith, Storrs, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. and Winston.

NAYS—messrs. Aldridge, Allen of B. Baker, Barnett, Bell, Davis of F. Davis of L. Garrett, Hall, Harris, Hill, Howard, Inge, Jackson, Johnson, Jones of B. Jones of Lawrence, Jones of Limestone, Maples, Miree, Mitchell of B. Morrisett, Portis, Prince, Rhodes, Rose, Scott of M. Smith of L. and Treadwell.

The bill to raise a revenue for the support of the State government, and to maintain the faith and credit of the State of Alabama, was read the first and second time.

Mr. Winston moved to postpone the further consideration of the bill until Wednesday next, and make it the special order for that day at twelve o'clock, and have one hundred and thirty-three copies printed for the use of the House.

A division of the question being called, it was first taken on postponing the bill until Wednesday, and making it the special order for that day at twelve o'clock; which was carried.

The question then recurred on ordering the printing of one hundred and thirty-three copies thereof, and carried.

And then the House adjourned.

#### AFTERNOON SESSION, December 28, 1844.

House met pursuant to adjournment.

Leave being granted, Mr. Chandler, from the select committee, to which was referred the joint resolution, directing said committee to apportion the representation among the several counties in this State, so as to make the House of Representatives consist of one hundred members, and the Senate of thirty-three members, reported.

A bill to apportion the Representatives among the several counties in this State, and to divide the State into Senatorial districts.

The bill was read the first and second times forthwith, and made the special order for Thursday next, at twelve o'clock.

Mr. Chandler introduced joint resolutions in relation to the charter of the Bank of the State of Alabama; which was read the first and second times, and referred to a select committee of five members, to wit: messrs. Chandler, Martin, McClung, Phillips and Williams of M.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—I am instructed to inform the House of Representatives of the adoption of the following resolution, to wit:

*Resolved*, That with the concurrence of the House of Representatives the two Houses will assemble in the Hall of the House on Monday the thirtieth instant, for the purpose of electing a Solicitor for the sixth Judicial Circuit, Comptroller of Public Accounts, and a State Treasurer.

The House proceeded to the consideration of the special order, it being the bill to appropriate the two per cent fund—the question pending on the amendment offered by Mr. Bowdon:

Leave being granted, Mr. Bowdon withdrew the amendment heretofore offered by him, and submitted the following:

*Be it further enacted*, That if the State shall elect to invest the said fund in the stock of said road in the foregoing sections of this act specified, then the profits and interest arising from said investment, shall be, and the same is hereby appropriated, under such rules and



regulations as may be hereafter made, to the construction of a line of internal improvement, from some point on the Coosa river, at or below the city of Wetumpka, to the eastern terminus of said road; and in the event the State should not extend the loans or invest the funds in the stock aforesaid, in the foregoing sections of this bill specified, then both the principal and the interest shall be, and the same is hereby applied under such rules and regulations, as may hereafter be prescribed by the Legislature, to the construction of the line of improvement in this section mentioned.

Mr. Edwards moved to amend the amendment, as follows:

*Provided*, said rail road is run by way of Ashville, St. Clair county, and to terminate at the mouth of Beaver Creek, on the Coosa river.

Mr. Cooper moved to lay the amendment to the amendment on the table; which was carried.

The consideration of the special order being suspended—

Mr. Chandler, from the select committee, to which was referred the joint resolutions, in relation to the charter of the Bank of the State of Alabama, reported a substitute in lieu of the original resolutions, and recommended its adoption.

Mr. Martin moved to amend.

On motion of Mr. Davis of L the joint resolutions and amendments were postponed until Monday, and made the special order of that day, at ten o'clock.

Ordered, that the report of the Cashier of the Branch Bank at Montgomery be withdrawn from the standing committee on the State Bank and Branches, and referred to the joint examining committee on the State Bank and Branches.

Mr. Maples offered the following resolution:

*Resolved*, That from and after Monday next, this House will meet at seven o'clock, p. m. for the purpose of acting on local bills, and will adjourn at nine o'clock, p. m.; which lies over one day.

And the House adjourned.

DECEMBER 30, 1814.

House met pursuant to adjournment.

The resolution of the Senate, proposing to go into the election of a Solicitor for the sixth Judicial Circuit, a Comptroller of Public Accounts and a State Treasurer on this day, at twelve o'clock, was concurred in.

Mr. Hall introduced a bill to authorize James M. Vaughan, executor of the estate of Benjamin Metcalfe, deceased, to sell the real estate of said decedent; which was read the first time, and ordered to a second reading.

Mr. Young presented the petition of sundry citizens of Benton county, in relation to the county limits of said county; which was referred to the committee on county boundaries.

Mr. Watts of B. introduced a bill for the relief of Wm. Payne; which was read the first and second times, and referred to the committee on the judiciary.

Mr. Perrine presented the account of Calvin J. Gully; which was referred to the committee on accounts.

Mr. Mudd introduced a bill to attach a part of Blount county to the county of Jefferson; which was read the first time, and ordered to a second reading.

Mr. Baugh presented the petition of Henry Smith, of Sweetwater; which was referred to the committee on roads, bridges and ferries.

Mr. Jones of Limestone introduced a bill to exempt members of medical boards from military, and other duties; which was read the first time, and lost—the House refusing to order it to second reading.

Mr. Clemens introduced a bill to authorize the Governor of this State to ascertain and punish persons, guilty of removing public property from the Tennessee Canal; which was read the first and second times forthwith, and referred to the committee on the judiciary.

Mr. Hays introduced a bill to prevent persons in this State from burning the woods at certain seasons; which was read the first time, and ordered to a second reading.

Mr. Patton introduced a bill requiring returning officers to make returns in a specified time; which was read the first time and ordered to a second reading.

Mr. Kimbell presented the account of Solomon Washburn; which was referred to the committee on accounts.

Mr. Kimbell introduced a bill to alter the patrol law in the county of Tallapoosa; which was read the first time and ordered to a second reading.

Mr. Speaker laid before the House the census from the county of Baldwin; which was referred to the committee on apportionment.

A message from the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
TUSCALOOSA, DECEMBER, 30TH, 1844. }

*To the Speaker of the House of Representatives.*

SIR—I have the honor to lay before the House of Representatives, the annual report of the Board of Trustees of the University, for the current year.

(Signed)

BEN. FITZPATRICK.

Mr. Brandon introduced a bill to provide for appointing agents in the several counties to collect the bad and doubtful debts due the Bank of the State of Alabama and its Branches; which was read the first and second times.

Mr. Brandon moved to refer the bill to a select committee of five members.

The hour of ten arrived, and the House proceeded to the considera-

tion of the special order, it being the joint resolutions in regard to the charter of the Bank of the State of Alabama, and the amendments.

The question pending on the amendment offered by Mr. Martin, to the substitute reported by the committee.

The amendment offered by Mr. Martin, is in these words:

Section 1. *Be it enacted, &c.* That the charter of the Bank of the State of Alabama, be, and the same is hereby extended for the term of \_\_\_\_\_ from the passage of this act.

Sec. 2. *And be it further enacted,* That said Bank shall not have power to discount notes, loan money, or deal in bills of exchange under any pretence whatsoever.

Sec. 3. *And be it further enacted,* That the said charter shall only be extended for liquidation and settlement of the affairs of said Bank.

Mr. Davis of L. moved to lay the amendment to the amendment on the table.

Mr. Clemens moved to amend the motion by adding also the amendment reported by the committee.

A division of the question being called, it was first taken on laying the amendment to the amendment on the table and carried. Yeas 57—Nays 37:

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Chandler, Clay, Clemens, Cobb, Croom, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Hobdy, Howard, Jackson, Jenison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, King, Kittrell, Lansdale, Lea, Maples, McClung, Merriek, Mirce, Mitchell of B. Morrisett, Mudd, Perry, Phillips, Roby, Scott of J. Scott of M., Smith of L. Smith of M. Snowden, Speight, Treadwell, Walker, Watts of B. Webb, Williams of J. Williams of M. and Winston.

NAYS—messrs. Alexander, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Bunting, Clarke, Cooper, Dufresne, Harris, Hays, Hill, Inge, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, Martin, Meriwether, Morrison, Patton, Perrine, Portis, Prince, Rhodes, Rose, Seawell, Spencer, Stith, Storrs, Watts of D. Woodward and Young.

The question recurred on laying the amendment reported by the committee on the table and carried. Yeas 90—Nays 4:

YEAS—messrs. Speaker, Aldridge, Allen of Benton, Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dufresne, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hobdy, Howard, Inge, Jackson, Jenison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merriek, Mirce, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Stith, Storrs, Treadwell, Walker, Watts of B. Watts

of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Alexaander, Baugh, Brandon and Hill.

Mr. Phillips moved to amend by way of substitute, as follows:

Strike out all after the enacting clause, and insert, "That the expiration of the charter of the President and Directors of the Bank of the State of Alabama or any Branch thereof, shall in no wise effect any judgment or other lien held by or against the said Bank or Branch Bank, and all suits now pending or hereafter to be brought shall be governed by the same rules, and subject to the same provisions as are now provided by law, and the names of the said Banks and Branches, shall be continued until the affairs of said Bank and Branches are finally liquidated.

*And be it further resolved*, That the expiration of the charter or charters aforesaid, shall in no wise effect the right of property, now held in real and personal estate, chose in action, or other assets of the said Bank and Branches, but that the same shall universally vest in full possession, any property in the State of Alabama, for the purpose of a speedy payment of all the liabilities incurred for and by said Bank and Branches, through such agents and under such regulations as the Legislature may from time to time nominate and prescribe.

Mr. Smith moved to postpone indefinitely the resolutions and amendment.

Mr. Cook, from the committee on enrolled bills, reported as correctly enrolled:

Joint resolutions of the Senate and House of Representatives upon the subject of postage.

The hour of twelve having arrived:

On motion of Mr. Davis of L.

*Resolved*, That the Senate be now invited into the Hall of the House for the purpose of electing a Solicitor for the Sixth Judicial Circuit, a Comptroller of Public Accounts, and a State Treasurer.

The Senate repaired to the hall of the House, and the two houses proceeded first to elect a Solicitor for the Sixth Judicial Circuit:

*Percy Walker and John E. Jones*, being in nomination.

Those who voted for *Mr. Jones*, are—messrs. President, Griffin, Hudson, Marchbanks, Moores, McAlpin, McClanahan, Oliver, Reese, Smith, Spruill, Winston and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of R. Baugh, Beck, Bell, Brandon, Bunting, Clay, Cook, Cooper, Croom, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Grady, Harris, Hays, Hobdy, Inge, Johnson, Jones of Ben. Jones of Blount, Jones of C. Jones of F. Jones of Law. Kidd, Kittrell, Lansdale, Lea, Martin, Meriwether, Merrick, Morrison, Patton, Perine, Portis, Rose, Smith of M. Speight, Spencer, Stith, Treadwell, Webb, Williams of J. Winston and Woodward of the House.

Those who voted for *Mr. Walker*, are—messrs. Arrington, Ashe, Bishop, Creagh, Dargan, Dent, Fleming, Hardaway, Harris, Norris, Posey, Walker of B. Walker of L. and Watkins of the Senate; and

messrs. Allen of B. Baker, Barnett, Bowdon, Chandler, Clemens, Cobb, Davis of L. Dunn, Garrett, Griffin, Hall, Hill, Howard, Jackson, Jemison, Jones of Limestone, Judge, Kimbell, King, Maples, McClung, Miree, Mitchell of B. Mitchell of T. Morrisett, Mudd, Perry, Phillips, Prince, Rhodes, Roby, Scott of J. Scott of mar. Seawell, Smith of L. Snowden, Storrs, Walker, Watts of B. Watts of D. Williams of M. and Young of the House.

*Mr. Jones* having received a majority of the whole number of votes given:

Mr. Speaker declared him duly and constitutionally elected Solicitor for the Sixth Judicial Circuit, for the term prescribed by law.

The two Houses then proceeded to the election of a Comptroller of Public Accounts.

*Jefferson C. Van Dyke and Arthur Foster*, being in nomination.

Those who voted for *Mr. Van Dyke*, are—messrs. President, Ashe, Bishop, Creagh, Dorgan, Fleming, Hudson, Marchbanks, McAlpin, McClanahan, Norris, Posey, Walker of L. Watkins and Wilson of the senate; and messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Baugh, Beck, Bell, Bowdon, Brandon, Clarke, Clemens, Cook, Croom, Davis of F. Davis of L. Dunn, Edwards, Gamble, Griffin, Hall, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of Limestone, Kennedy, Kidd, King, Kittrell, Lansdale, Lea, Martin, McClung, Meriwether, Merriek, Miree, Mitchell of B. Mudd, Patton, Perrice, Perry, Phillips, Portis, Prince, Roby, Rose, Smith of L. Smith of M. Spaight, Treadwell, Watts of B. Webb, and Williams of J. of the House.

Those who voted for *Mr. Foster*, are—messrs. Arrington, Dent, Gilchrist, Griffin, Hardaway, Harris, Moores, Oliver, Reese, Spruill, Walker of B. Ward, and Winston of the Senate; and messrs. Barnett, Bunting, Chandler, Cobb, Dufreese, Fletcher, Garrett, Grady, Harris, Hays, Hill, Howard, Jemison, Johnson, Jones of Lawrence, Judge, Kimbell, Maples, Mitchell of T. Morrisett, Morrison, Rhodes, Scott of J. Scott of M. Seawell, Snowden, Spencer, Walker, Watts of D. Williams of M. Winston, Woodward and Young of the House.

*Mr. Van Dyke* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Comptroller of the State of Alabama, for the term prescribed by the Constitution.

The two Houses proceeded next to elect a State Treasurer:

*Samuel G. Frierson* alone being in nomination, and he having received one hundred and thirteen votes, that being the whole number given, Mr. Speaker declared him duly and constitutionally elected State Treasurer for the term prescribed by the Constitution.

The Senate withdrew, and the House resumed the consideration of the joint resolutions in regard to the charter of the Bank of the State of Alabama; which were discussed until one o'clock, when the House adjourned.

## AFTERNOON SESSION, December 30, 1844.

The House met and resumed the consideration of the joint resolutions in regard to the charter of the Bank of the State of Alabama—the question pending on the amendment offered by Mr. Phillips.

Message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed a bill to place the Bank of the State of Alabama in liquidation, and to provide for the final settlement of its affairs, and for other purposes.

Upon the reception of the message, Mr. McClung moved to lay the joint resolutions and amendment on the table; which was carried.

Mr. McClung moved that the House proceed forthwith to the consideration of the bill just received from the Senate; which was carried.

The bill from the Senate, to place the Bank of the State of Alabama, at Tuscaloosa, in liquidation, and to provide for the final settlement of its affairs, and for other purposes, was read the first and second times forthwith:

Mr. Stith moved to amend as follows—strike out all after the enacting clause and insert:

“That the charter of the Bank of the State of Alabama, be, and the same is hereby renewed and extended for the period of thirty days, from and after the passage of this act, with the same powers and under the same restrictions now conferred and imposed by law.”

Mr. McClung moved to lay the amendment on the table; which was carried. Yeas 75—Nays 13:

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Croom, Davis of L. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hill, Hobdy, Howard, Jackson, Jemison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kidd, King, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Rhodes, Roby, Rose, Scott of J. Scott of M. Smith of L. Smith of M. Snowden, Speight, Spencer, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of M. Winston and Young.

NAYS—messrs. Bunting, Clarke, Cooper, Davis of F. Harris, Inge, Martin, Meriwether, Portis, Prince, Stith, Storrs, and Woodward.

Mr. Stith moved to postpone the further consideration of the bill until to-morrow, ten o'clock; which was lost.

Mr. McClung moved to suspend the rule, and give the bill its third reading forthwith; which was carried.

The bill was read a third time and passed. Yeas 82—Nays 7:

YEAS—Messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Bunting, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin,

Hall, Hays, Hill, Hobdy, Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, McClung, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Rhodes, Roby, Rose, Scott of J. Scott of M. Smith of L. Smith of M. Snowden, Speight, Spencer, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Clarke, Harris, Inge, Martin, Portis, Prince and Stith.

Mr. Clemens moved to reconsider the vote just taken.

Mr. Scott of M. moved to postpone the consideration of the motion until to-morrow at ten o'clock; which was lost. Yeas 20—Nays 68:

YEAS—messrs. Bunting, Clarke, Davis of F. Davis of L. Dufreese, Harris, Johnson, Jones of F. Jones of Limestone, Kidd, Martin, Meriwether, Mitchell of B. Patton, Portis, Prince, Scott of M. Stith, Walker of D. and Young.

NAYS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Croom, Dunn, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hill, Hobdy, Howard, Jackson, Jemison, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Judge, King, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Miree, Morrisett, Morrison, Mudd, Perrine, Perry, Phillips, Rhodes, Roby, Scott of J. Smith of L. Smith of M. Snowden, Speight, Spencer, Storrs, Treadwell, Walker, Watts of B. Webb, Williams of J. Williams of M. and Winston.

Mr. Clemens moved to suspend the rule requiring the House to adjourn at five o'clock; which was carried. Yeas 69—Nays 19:

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cook, Cooper, Croom, Davis of L. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hill, Hobdy, Howard, Jackson, Jemison, Jones of Benton, Jones of F. Jones of Lawrence, Judge, Kimbell, King, Kittrell, Landsdale, Lea, Maples, Martin, McClung, Meriwether, Miree, Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of M. Snowden, Speight, Spencer, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of M. Winston and Young.

NAYS—messrs. Alexander, Baugh, Beck, Bunting, Clarke, Davis of F. Harris, Jones of Blount, Jones of Conckuh, Jones of Limestone, Mitchell of B. Prince, Rhodes, Scott of M. Smith of L. Stith, Williams of J. and Woodward.

Mr. Davis of L. moved that the House do now adjourn until to-morrow morning, at ten o'clock; which was lost. Yeas 17—Nays 70.

YEAS—messrs. Alexander, Baugh, Bunting, Clarke, Davis of L. Jones of C. Jones of F. Kidd, Martin, Meriwether, Portis, Prince, Rhodes, Scott of M. Smith of L. Stith and Woodward.

**NAYS**—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Croom, Davis of F. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hill, Hobdy, Howard, Jackson, Jenison, Johnson, Jones of Benton, Jones of Blount, Jones of Lawrence, Judge, Kimbell, King, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Miree, Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Roby, Rose, Scott of J. Seawell, Smith of M. Snowden, Speight, Spencer, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston and Young.

The question was then taken on reconsidering the vote on the passage of the bill from the Senate to place the Bank of the State of Alabama, at Tuscaloosa, in liquidation, &c. and was lost. Yeas 14—Nays 70.

**YEAS**—messrs. Alexander, Cooper, Davis of L. Jones of Limestone, Kidd, Martin, Meriwether, Mitchell of B. Portis, Prince, Scott of M. Smith of M. Stith, and Woodward.

**NAYS**—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clemens, Cobb, Cook, Croom, Davis of F. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hobdy, Howard, Jackson, Jenison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Judge, Kimbell, King, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Miree, Morrisett, Morrison, Mudd, Perrine, Perry, Phillips, Rhodes, Roby, Rose, Scott of J. Seawell, Smith of L. Snowden, Speight, Spencer, Treadwell, Walker, Watts of B. Watts of Dallas, Webb, Williams of J. Williams of M. Winston and Young.

And then the House adjourned.

DECEMBER 31, 1844.

House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the President of the State Bank, shewing the condition of the sixteenth section fund.

Mr. Speaker also laid before the House the Annual Report of the Trustees of the University; which was referred to the committee on education.

Mr. Rose, from the committee on the Penitentiary, to whom was referred the resolution instructing said committee, to inquire into the expediency of altering the law so as to make it the duty of the Warden to keep all articles of whatsoever kind manufactured in the Penitentiary in one common store room, &c. reported.

A bill to amend the Penal Code, which was read the first and second times forthwith.

Mr. Smith of L. moved to amend as follows:

*“Provided, this House shall cost no more than \_\_\_\_\_ dollars.”*



Mr. Cooper moved to lay the amendment on the table; which was carried.

Mr. Morrisett moved to refer the bill to the committee on ways and means.

Mr. Clemens moved to lay the bill on the table; which was lost. Yeas 37--Nays 54:

YEAS—messrs Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Beck, Bowdon, Brandon, Clemens, Edwards, Fletcher, Gewin, Griffin, Hays, Hobdy, Howard, Jones of Benton, Jones of Blount, Jones of Lawrence, Kimbell, King, Maples, McClung, Merrick, Mitchell of B. Morrisett, Mudd, Perry, Scott of J. Snowden, Speight, Spencer, Walker, Watts of D. and Winston.

NAYS—messrs Bell, Bunting, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Gamble, Garrett, Grady, Hall, Harris, Hill, Inge, Jackson, Jemison, Johnson, Jones of C. Jones of F. Jones of Limestone, Judge, Kidd, Kittrell, Landsale, L. a, Meriwether, Mitchell of T. Morrison, Patton, Perrine, Phillips, Portis, Prince, Rhodes, Roby, Rose, Scott of M. Seawell, Smith of L. Smith of M. Storrs, Trealwell, Watts of B. Webb, Williams of Jackson, Williams of M. Woodward and Young.

The question was then taken on Mr. Morrisett's motion to refer and lost.

Mr. Davis of L. moved to amend as follows:

*“And be it further enacted, That the Warden be, and he is hereby authorized to appoint a deputy Warden as soon as he may think proper.”*

Mr. Aldridge moved to lay the amendment on the table; which was carried.

Mr. Cooper moved to amend as follows:

*“Provided, the work on said store house shall be performed by the convicts in the Penitentiary under such regulations, restrictions and guards as the Warden and Inspectors thereof may impose and require for the security and safe keeping of said convicts.”*

Which was adopted.

The bill was then ordered to be engrossed for a third reading.

Mr. Clemens, from the judiciary committee, to whom was referred a resolution instructing them to inquire into the expediency of requiring the Clerks of the Courts of Record in this State to take bonds and security in all cases from the plaintiff, for the payment of costs, &c., reported that it would be inexpedient to legislate upon the subject.

Which report was concurred in.

Mr. Clemens, from the judiciary committee, to whom was referred a bill to be entitled an act for the relief of Aehsah Hogg, reported the same back to the House without amendment, and recommended its passage.

The bill was read the second time, and ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred a bill to prevent tax collectors from speculating in county claims, reported the bill with amendments, and recommended its passage; the amendments were concurred in, and the bill read a third time and passed.

Mr. Clemens, from the same committee, to whom was referred the petition of Joseph H. Hall, and others, of Autauga county, reported that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the petition of John L. Townes, executor of the last will and testament of Joseph Compton, deceased, reported that it would be inexpedient to grant the prayer of the petitioner.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the petition of sundry citizens of Talladega county, praying the rescission of a sixteenth section contract, reported that it is inexpedient to legislate upon the subject.

Ordered, that the report lie on the table.

Mr. Clemens, from the same committee, made the following report.

The committee on the judiciary, to whom was referred

A bill to be entitled an act for the relief of the purchasers of a certain sixteenth section, in the county of Barbour:

A bill for the relief of John H. Gee, of Sumter county: and,

A bill to be entitled an act to rescind a certain contract therein described:

Have had the same under consideration, and instructed me to report:

That the present laws authorizing the rescission of sixteenth section contracts under certain circumstances, goes quite as far as in the opinion of the committee consists with a due regard to the safety of the Fund.

The sixteenth section of each township was given to the State by the General Government, for purposes of education, and it is the duty of the State to watch over and guard the fund arising from this source with more than ordinary vigilance. If by mismanagement or imprudent legislation, it should be squandered or lost, a heavy responsibility will rest upon the Legislature.

We hold it to be bad policy to rescind any contract for the purchase of a sixteenth section, unless the parties are utterly insolvent; nor is it difficult to show the great inequality which would result from the adoption of a different rule. When a purchaser finds it to his interest to retain the real estate which he has purchased, he does so, and it would be considered most singular, if the township should apply for a rescission of the contract. On the other hand, when ever the purchaser finds that he has not made a profitable investment, he seeks through the medium of the Legislature to repair the consequences of his want of judgment.

The committee believe that in nearly every case, the township is the loser when a contract is rescinded, and they feel constrained from a sense of duty, to report against the passage of the several bills hereinbefore mentioned.

Mr. Scott of M. moved to lay the report on the table; which was lost.  
Yeas 31—Nays 54:

YEAS—messrs. Aldridge, Alexander, Allen of B. Baker, Barnett, Beck, Bowdon, Clay, Cooper, Davis of L. Gamble, Garrett, Gewin, Grady, Griffin, Inge, Jackson, Jones of Blount, Jones of C. Kittrell, Maples, Mitchell of B. Morrisett, Patton, Perry, Rose, Scott of M. Speight, Stith, Treadwell and Woodward.

NAYS—messrs. Baugh, Bell, Brandon, Bunting, Chandler, Clemens, Cobb, Cook, Croom, Davis of F. Dufreese, Dunn, Fletcher, Hall, Harris, Hays, Hill, Hobdy, Howard, Jemison, Johnson, Jones of Benton, Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, King, Lansdale, Lea, Martin, McClung, Meriwether, Miree, Mitchell of T. Mudd, Perrine, Phillips, Portis, Prince, Rhodes, Roby, Scott of J. Seawell, Smith of L. Snowden, Spencer, Walker, Watts, of B. Watts of D. Webb, Williams of M. Winston and Young.

The report was then concurred in.

Mr. Mitchell of T. from the committee on roads, bridges and ferries, to whom was referred the bill to alter and amend the road law, reported a substitute in lieu of the original bill, and recommended its passage.

The substitute was adopted, and ordered to be engrossed for a third reading.

Mr. Clemens, from the judiciary committee, to whom was referred the petition of John L. S. Foster, reported

A bill for the relief of the estate of Raymond Burroughs, and recommended its passage

The bill was read the first and second times, and ordered to be engrossed for a third reading

Mr. Lea, from the committee on divorce and alimony, reported

A bill to divorce certain persons therein named; which was read the first and second times and ordered to be engrossed for a third reading.

Mr. Clemens, from the judiciary committee, to whom was referred a bill to confer upon Chancery Courts, jurisdiction in certain cases, touching the rights of married women, reported that it would be inexpedient to pass said bill.

The report and bill were laid upon the table.

Mr. Clemens, from the same committee, to whom was referred the bill to abolish the common law jurisdiction of the County Courts, reported that it was expedient to legislate upon the subject.

Ordered, that the report and bill be laid upon the table.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Baldwin county, praying for the passage of a law to prevent the traffic of persons having trading boats on the Alabama and Mobile rivers with slaves, reported that a bill in conformity with the prayer of the petitioners, has already been presented for the consideration of the House.

The report was concurred in.

Mr. Martin, from the committee on the State Bank and Branches, made the following report.

The committee on the State Bank and Branches, to whom was referred so much of the Governor's message as relates to the management and liquidation of the Banks, &c., together with the various bills and Bank Reports, have had the same under consideration, and instructed me to make the following report:

1. A bill to settle the affairs of the several Branch Banks of the State:

2. A bill to extend the charter of the Bank of the State of Alabama, and to limit the powers of the President and Directors thereof, and for other purposes.

Your committee are deeply impressed with the magnitude of the various subjects committed to their charge, and have bestowed upon them the most profound reflection that their time and other legislative duties would permit.

They have discarded every other consideration but an honest effort to meet the trying exigency. To marshal the assets of the several Banks, to aid in preserving the faith and credit of the State untarnished—at the same time not to make such exactions from her citizens as may prove ruinous to many of them, without materially increasing the funds of the State.

Your committee find the gross amount of the liabilities of the State Bank and Branches according to the report of the President of the State Bank to be fifteen millions one hundred and fifty-seven thousand three hundred and fifty-one dollars and sixty-seven cents. From this sum should be deducted the Revenue Fund and Surplus Revenue, which in all probability will never be demanded, of one million seventy-three thousand two hundred and forty-three dollars and seventy seven cents—which will leave the true amount, which must be paid, of fourteen millions eighty-four thousand one hundred and twelve dollars and ninety cents, composed of the following items:

|                                  |                |
|----------------------------------|----------------|
| State Bonds,.....                | \$9,215,555 55 |
| Three per cent. fund,.....       | 444,726 66     |
| University fund,.....            | 300,000 00     |
| Circulation,.....                | 2,967,828 00   |
| Common School fund,.....         | 896,353 18     |
| Deposits, .....                  | 236,418 47     |
| Foreign Banks,.....              | 3,429 37       |
| Treasury United States,...       | 400 00         |
| Internal Improvement fund,.....  | 97 08          |
| Agents and public officers,..... | 19,099 09      |

The annual interest on the above liabilities, as near as can be ascertained, is as follows:

|                                         |              |
|-----------------------------------------|--------------|
| On the State Bonds,....                 | \$471,907 80 |
| University and Common School fund,..... | 82,000 00    |

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\$553,907 80

Of the above sum there is due in Europe one hundred and eighty-four thousand seven hundred and seven dollars and eighty cents—the balance in the United States.

To meet this immense amount of debt, and provide for the interest, as the same may become due, our Bank assets of every description, in gross amount to the sum of sixteen millions eleven thousand and eighteen dollars and sixty-three cents.

What amount of the above sum may be realized it is impossible to ascertain with any degree of certainty. The items are as follows:

|                                  |              |    |
|----------------------------------|--------------|----|
| Notes and bills discounted,..... | \$13,622,730 | 46 |
| Real and personal estate,.....   | 1,846,251    | 65 |
| Foreign Banks,.....              | 124,555      | 69 |
| Agents, .....                    | 208,575      | 94 |
| Overdrafts,.....                 | 42,638       | 17 |
| Suspense account,.....           | 57,046       | 12 |
| Stock held by Branch Bank,.....  | 43,650       | 00 |
| Specie, .....                    | 55,570       | 60 |

The Commissioners appointed to examine the State Bank and several Branches report the

|                       |             |    |
|-----------------------|-------------|----|
| Good debts to be,.... | \$6,993,965 | 36 |
| Doubtful, .....       | 484,132     | 46 |
| Bad, .....            | 6,292,599   | 70 |

It is presumed that one half of the estimated amount of the real and personal property may be realized, say,.....\$923,125 80

Which added to the amount reported good,  
will make,.....7,917,991 16

The bad and doubtful debts, which may  
be collected, will increase the supposed  
sum to be realized, to at least.....8,000,000 00

This sum deducted from the actual liabilities  
will still leave the immense debt of...6,084,112 90

Which can only be met by the patriotic devotion of our citizens.

The expenses of the State government cannot be less than one hundred and twenty thousand dollars—which added to the interest account will make six hundred and seventy-three thousand nine hundred and seven dollars and eighty cents—to be paid annually without reducing the amount of the liabilities of the State.

To meet this demand the State must rely upon the revenue, and collections from Bank debtors. During the last year as appears by the report of the Commissioners, the sum of one million seven hundred and forty-nine thousand nine hundred and thirty-five dollars and fifty-five cents of the Bank debt was collected, as follows:

|                                |           |    |
|--------------------------------|-----------|----|
| By the Bank of the State,..... | \$319,189 | 98 |
| Mobile Branch Bank,.....       | 458,206   | 32 |
| Montgomery, .....              | 450,300   | 25 |
| Decatur,....                   | 252,953   | 07 |
| Huntsville, .....              | 269,285   | 93 |

It is the opinion of your Committee, that one-third of the debts due the several Banks shall be required to be paid on or before the first day of June, eighteen hundred and forty-five, and the balance with interest, in one and two years thereafter. It is believed that a larger proportion of the debts cannot be collected, while the present price of our staple is so low, without producing wide-spread ruin in the country—a calamity unnecessary, if our fiscal concerns are wisely managed.

The payment of one-third, required in the year eighteen hundred and forty-five, will in all probability absorb near two millions of dollars of the circulation of the Banks, which will be further increased by the revenue collected—so that it can scarcely be doubted, that the whole circulation (or nearly so) will be absorbed by the first of June, eighteen hundred and forty-six. After which time all collections will be in specie or its equivalent.

The charter of the Bank of the State of Alabama, will expire by its own limitation, on the first day of January, eighteen hundred and forty-five. The subject of the extension of its corporate existence, for a limited time, has caused your committee no little embarrassment, being unanimously opposed to the whole banking system—having witnessed its disastrous results, and desirous to rid the country at as early a period as practicable of its last vestige—yet the reluctant opinion was forced upon them, that the continuance of the charter is absolutely necessary; but with such limitations and restrictions as will secure many of its benefits, with as few of its evils as possible.

Your Committee cannot believe that it is necessary to cut off all the advantages, which may be thus derived, merely to appease the indignation which its mismanagement has caused.

If the charter must now expire, your Committee are unable to designate any plan, by which the fiscal affairs of the State can be brought to a favorable issue.

In the adjustment of the outstanding debts, many of them as yet having several years to run before maturity; and in providing means to meet the onerous liabilities of the State, the State Bank will be a most efficient and convenient auxiliary, and not, necessarily, more expensive than any other agency that might be established.

Your committee believe it to be their duty to point out the inextricable difficulties which must inevitably follow the final expiration of the Bank charter at the present time.

The State is unable to meet the immediate demands upon her treasury, without employing the bills of the State Bank. To that source alone must she look for means to defray the expenses of the State Government.

The question necessarily forces itself upon your Committee, can the State re-issue the bills of the Bank, after the expiration of her legal existence? Your Committee do not believe that the bills of Bank can in this manner be re-issued as a circulating medium, without a palpable

violation of the settled laws of the land, and the constitution of the United States.

On the expiration or repeal of the charter of the State Bank and her several Branches, the assets become vested in the State, and she becomes liable, and solemnly bound, to redeem the circulation; and the State becomes the debtor to the bill holders, and when once redeemed, are *functus officio*. It is the settled law that an obligation for the payment of money, when once discharged by the obligor, cannot be revived merely by being thrown again into circulation. It is the opinion of your Committee, that the redeemed debts of the State occupy the same footing, and cannot be made binding merely by being re-issued.

Yet a much stronger and more potent obstacle is presented in the Constitution of the United States, which says: "*No State shall emit bills of credit.*" Bills of credit are defined by Chief Justice Marshall, to mean, "a paper medium intended to circulate between individuals, and between governments and individuals, for the ordinary purposes of society." It is clear, that any paper issued by a State, which circulates on the credit of the State, designed and used as money, in the ordinary business of life, constitutes bills of credit, within the Constitution.

If the bills of the State Bank become the property of the State, either collected as revenue, or paid in by the Bank debtors, and they are again paid out, are they not undisguised bills of credit? Are they not issued by the State? on the credit of the State? and designed to subserve the purposes of money?

There is no corporation that can be made responsible to redeem these notes. What means are there then for enforcing payment from the State, by bill holders? A sovereign State cannot be sued without her consent.

Your Committee do not purpose to make an elaborate argument on this constitutional question; yet they could not pass over so grave and important a point, without bringing it to the notice of the House.

Your Committee beg leave to present one other reason in favor of the bill extending the charter of the Bank of the State of Alabama.

It will be observed from this report, that the amount of interest, and the expenses of the State Government, will require the annual sum of six hundred and seventy three thousand nine hundred and seven dollars and eighty cents, to be derived from the tax on our citizens. It is not the province of your Committee to inquire whether that sum can be realized.

Suppose the foregoing amount could be collected from that source, it will then only be necessary to inquire, what would be the character of the funds? Most unquestionably in that of our own Bank paper, which could not be legally used for any other purpose, without an extension of the charter of the Bank as your committee humbly conceive.

Your Committee are forced to the conclusion, that until a large portion of the circulation of the several Banks is absorbed, the faith and credit of the State cannot safely rely upon the assets of the Banks. It is true, that the means to pay the interest upon our State Bonds, for the year eighteen hundred and forty-five, and the January payment of eighteen hundred and forty-six, have already been provided; yet a large portion of the interest falling due in eighteen hundred and forty-seven must be provided by wisdom of the present Legislature, or practical repudiation must be the result.

To avoid this calamity, your Committee recommend the accompanying bill, to extend the charter of the Bank of the State of Alabama, for the period of five years, with power under certain restrictions, to purchase foreign bills of exchange, to meet the payment of the interest.

All of which is respectfully submitted:

P. MARTIN, Chairman, &c.

Mr. Phillips moved that the bill to extend the charter of the Bank of the State of Alabama, and to provide for the liquidation of its affairs, &c. be postponed until Monday next, and be made the special order for the day at twelve o'clock, and that one hundred and thirty-three copies thereof, be printed; which was carried.

Mr. Perrine moved that two thousand copies of the report be ordered to be printed; which was carried.

Mr. Martin also reported a bill to settle the affairs of the several Branch Banks in this State; which was read the first and second times:

Mr. Jemison moved to lay the bill on the table, and have one hundred and thirty-three copies printed for the use of the House; which was carried.

Ordered, that leave of absence be granted to Mr. Vinson until the eighth January.

The House proceeded to the consideration of engrossed bills:

The engrossed bill to authorize the election of eight Commissioners of the court of roads and revenue, in the county of Conecuh, was read the third time, and passed.

The engrossed bill for the relief of Vines Smith, of Coosa county, was read the third time, and passed.

The engrossed bill to increase the salary of the Judge of the County Court for Mobile county, was read the third time:

Mr. Jemison moved to amend as follows:

*And be it further enacted,* That it shall not be lawful for the Judge of the County Court of the County of Mobile, to practice law in any of the courts of law or equity in this State:

Which was lost, and the bill passed.

The engrossed bill for the relief of Louisa Allen, was read the third time, and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:



An act to place the Bank of the State of Alabama at Tuscaloosa, in liquidation, and to provide for the final settlement of its affairs, and for other purposes

The engrossed bill to incorporate the Mobile and Baldwin County Manufacturing Company, was read the third time, and passed.

And then the House adjourned.

#### AFTERNOON SESSION, December 31, 1844.

The House met and resumed the consideration of the special order, it being the bill to appropriate the two per cent. fund.

The question pending on the amendment heretofore offered by Mr. Bowdon.

The amendment was adopted.

Mr. Dufreese moved to amend as follows:

Strike out all after the enacting clause, and insert,

"That one half of the two per cent. fund, be, and the same is hereby appropriated to the continuation of a road from some point on the Chattahoochee river, opposite West Point, in Georgia, across the State of Alabama, in the direction of Jackson, in the State of Mississippi, in such manner as shall hereafter be provided by law."

Sec. 2. *Be it further enacted*, That the other half of the said two per cent. fund, be, and the same is hereby appropriated to the construction of a McAdamized road, from some point on the navigable waters of the Bay of Mobile, below the falls of the Coosa river, to some point on the Tennessee river, at or near Gunter's Landing.

Sec. 3. *And be it further enacted*, That one half of that portion of the two per cent fund, appropriated by the second section of this act, shall be expended in the purchase of slaves, to be employed in the construction of said road, under overseers to be employed for that purpose.

Sec. 4. *And be it further enacted*, That there shall be a board of commissioners consisting of ——— persons, to be elected by the Legislature, who, with the Governor shall constitute a board, whose duty it shall be to purchase the slaves, employ the overseers, and all necessary agents, implements of labor, means of sustenance, superintend the improvement, and report annually their expenditures, the progress and probable expense of the completion of the work; who shall continue in office ——— years, and shall receive annually as compensation, the sum ——— dollars.

Sec. 5. *And be it further enacted*, That the remainder of said portion of said fund, appropriated by the second section of this act, shall be a fund for the payment of the expense of supporting said slaves, the payment of said commissioners, and other agents, to be paid upon the certificate of said commissioners.

Mr. Winston moved the previous question; which was sustained.  
Yeas 46—Nays 40:

**YEAS**—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Bell, Bowdon, Brandon, Clarke, Clay, Clemens, Cooper, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Griffin, Hays, Hobdy, Jones of Benton, Jones of Blount, Jones of Limestone, Judge, Kimbell, Kittrell, Landsdale, Lea, Maples, McClung, Merrick, Morrisett, Patton, Perrine, Phillips, Smith of L. Smith of M. Speight, Webb, Williams of J. Williams of M. Winston and Young.

**NAYS**—messrs. Alexander, Baugh, Beck, Chandler, Cook, Croom, Dufreese, Gewin, Hall, Harris, Hill, Howard, Jackson, Jemison, Johnson, Jones of F. Jones of Lawrence, Kidd, King, Meriwether, Miree, Mitchell of B. Mitchell of T. Morrison, Mudd, Perry, Portis, Prince, Rhodes, Rose, Scott of J. Seawell, Snowden, Spencer, Stith, Storrs, Treadwell, Walker, Watts of B. and Watts of D.

A message from the Senate, by Mr. Mariast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, in which they ask the concurrence of your Honorable body:

A bill to alter and amend the Chancery system of this State:

A bill to change the time of holding the Chancery Court of Greene county:

A bill to amend an act, entitled an act, to incorporate Lafayette, in Chambers county:

A bill for the relief of the citizens of township sixteen, range nine, east, in Benton county:

A bill to regulate the compensation of the Secretary of State, for certain services therein named:

A bill to compensate jurors summoned to try contested wills:

A bill to compensate Logan D. Brandon, for certain services therein named:

The Senate has also passed a bill from the House for the relief of James Lacy and Hetty Lowe, of Fayette county.

The House then adjourned.

JANUARY 1, 1845.

The House met pursuant to adjournment.

A call of the House being made and sustained, the following members answered to their names:

Messrs. Speaker, Alexander, Allen of Benton, Allen of R. Barnett, Baugh, Bell, Brandon, Bunting, Chandler, Clemens, Cobb, Cooper, Croom, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hall, Hays, Hill, Inge, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of Con. Jones of Franklin, Jones of Limestone, Judge, Kittrell, Maples, Martin, Meriwether, Merrick, Mitchell of B. Mitchell of T. Morrison, Mudd, Norman, Perrine, Perry, Phillips, Portis, Rhodes, Rose, Smith of L.

Smith of M. Snowden, Speight, Spencer, Treadwell, Watts of B. Watts of D. Winston and Young.

Mr. Hall presented the petition of the inhabitants of the southern and southeastern part of Baldwin county; which was referred to the committee on privileges and elections.

Mr. Treadwell presented the account of Robert Morlin; which was referred to the committee on accounts.

Mr. Dufreese presented the account of Robert Parker; which was referred to the committee on accounts.

Mr. Aldridge presented the petition of sundry citizens of St. Clair county; which was referred to the committee on roads, bridges and ferries.

Mr. Parris, from the committee on ways and means, made the following report:

The minority of the committee of ways and means, to whom was referred so much of the message of his Excellency the Governor, as relates to the expenditures of the State Government, and providing the means to meet the same, Report—

That the circumstance of not having seen the report of the majority of the committee until it was presented to the House, on the twenty-eighth instant, is the only apology the minority have to render the House, for the delay which has unavoidably attended their report.

The vast and important considerations presented by the examination of the subject matter referred to them, have engaged the most serious and searching inquiry of the Committee; and it is with no slight degree of reluctance, the minority have been compelled to dissent from the report of the majority, and the bill accompanying said report.

But, believing the fact in political economy is universally adopted by republican governments, that he who labors is alone entitled to the products of his labor, and that any government which exacts more than is legitimately necessary to defray the expenses of said government, robs the laborer of every dollar thus levied, the minority determined to undertake the responsible task of suggesting objections to the report of the majority.

At a period of extraordinary embarrassment in the pecuniary affairs of the country, when the relations of debtor and creditor have arrived at a crisis hitherto unprecedented in the history of the State—to awaken the attention of a community, already depressed and born down by heavy private engagements, to such an alarming state of affairs, as the State of Alabama is now laboring under, and to present as the only alternative, an oppressively high tax, is a step to be taken only as a duty, and which should be deferred to the latest possible day, compatible with the honor and integrity of the State. A proper regard for the rights and interests of that portion of the people, constituting about six sevenths of the tax paying population of the State, who have never been benefited by any facilities afforded by the State banking institutions, demands at the hands of the General Assembly, the application of the entire assets of those Banks to the extinguishment of the liabilities of the State, incurred on

account of them, before resorting to taxation, to an extent which will be grievous and burdensome. The minority of the committee are not unmindful of the fact, that the State is bound in good faith to discharge every obligation entered into on account of the late Banking institutions, and nothing would be farther from them than to convey the idea to the Legislature, of any disposition to shrink from such responsibility; nevertheless, the suggestion above made, must be pertinaciously adhered to, or a cordial acquiescence by the great body of the tax paying population cannot be expected.

The history of past legislation induces an opinion that no disposition exists on the part of the State, to avail itself of the assets owned by it in the shape of Bank debts, unless at the pleasure or convenience of the debtors; and, without infringing upon the appropriate and especial duties of the Committee on the State Bank and Branches, the minority are of opinion that unless this policy be abandoned, the murmurings of the tax payers will be heard in tones of thunder, rejecting the propositions to pay Banking liabilities, by direct taxation, whilst Bank debtors are basking in the splendor of gorgeous fortunes, built up by the unjust discriminations of legislation in their favor.

Proceeding to ascertain the exact amount of the liabilities of the State, we shall unavoidably discuss certain propositions which arise incidentally in the course of the examination. We take it for granted, that certain debts are due by the State, and it is bound, and intends in good faith to discharge them punctually as they fall due and are redeemable.

The liabilities of the State consist of two general classes: first, of debts already existing in contract; and secondly, of such as will necessarily accrue, and have to be contracted, to continue the government in operation. In the first class, we shall include the bonds of the State, amounting, from the best information we can procure, to the sum of nine millions two hundred and fifteen thousand, five hundred and fifty-five dollars and fifty-five cents, the interest of which will fall due on the same, and the circulation of the Banks, two million, nine hundred and sixty-seven thousand, eight hundred and twenty-eight dollars. The other item, which will have to be here disposed of, consists of the University fund, three hundred thousand dollars, and the Sixteenth Section School fund, eight hundred and ninety-six thousand, three hundred and fifty-three dollars, and eighteen cents, which should be regarded as an ultimate rather than a present liability. From the information before the Legislature, concerning this fund, it is invested in discounted notes, and notes received in payment for lands mostly; and hence, to provide for the same at this time, is to propose legislation upon the subject, which is unnecessary and unadvisable. That portion of this fund, which is invested, is drawing an amount of interest equal to the interest which accrues annually upon the same; and hence, the portion of said fund which is in cash will only have to pay interest, in round numbers, five hundred thousand dollars—interest on the same, at six per centum, per annum, thirty thousand dollars.

The first item, in the list of liabilities, is the Bonds of the State, drawing an annual interest of four hundred and seventy-one thousand, nine hundred and seven dollars and eighty cents; the second item, which is the circulation, draws no interest. The accruing liabilities of the State, we then arrive at, as the current expenses of the State government, the interest on the school fund, and on the bonds. In calculating the interest on the bonds, we must have an eye to the assets of the State to meet these liabilities: because, assuming the calculation that the State has available assets to the amount of seven millions, to be correct, we are led to inquire the nature and qualities of those assets, and we find them to consist of real estate, and specie, and debts due to the Banks. The application of the real estate, will, according to the natural course of trade, extinguish, of current liabilities of the State, in the form of Bank bills in circulation, the amount of one million, according to the estimates of the Commissioners appointed to appraise said real estate. The other assets of specie, and the debts due to the Banks, will amount to six millions, which when applied, will extinguish the other two millions of Bank bills in circulation, and leave four millions of assets to apply to the payment of the bonds. We are here met, by the known fact—in stating this proposition, that these Bank debts, are available assets to the amount of six millions—that they have to be collected before they can be thus applied. If they run some years before collection, they are drawing as high, or a higher rate of interest, than the bonds, which they will ultimately discharge; and hence the proposition is a fair one, that they may be considered as cancelling that amount of bonds at present; for the interest, which will be collectable, will meet that which is accruing.

Taking then the ground, that the interest, which will necessarily fall due and be collected upon the two millions, which extinguishes the remainder of the bank bills in circulation will be sufficient, with the specie on hand, to defray all contingent expenses connected with paying the interest on the bonds in the meantime, we proceed to estimate the amount of bonds left unpaid after the application of all assets at present held by the State which are available; and deducting the amount of bonds thus provided for, four millions, will leave five million, two hundred and fifty thousand, five hundred and fifty-five dollars and fifty-five cents, as the amount of permanent liabilities, and the interest on the same as the annually accruing liabilities. The interest on this last amount of bonds, at five per centum per annum, (which is the per centum at which all the bonds are taken, which fall due of the last six millions) and which will become payable from the years eighteen hundred and fifty-eight to eighteen hundred and sixty-six inclusive, will amount to two hundred and sixty-two thousand, five hundred and twenty-seven dollars and seventy-seven cents—added to the expenses of the State Government, one hundred and twenty-five thousand dollars—and the interest on the School fund, thirty thousand dollars—will, together, constitute four hundred and seventeen thousand, five hundred and twenty-seven dollars and seventy-seven cents—the sum we think necessary to be provided for by the State government after the year eighteen hundred and forty-five.

The report of the President of the State Bank shows the interest for the year eighteen hundred and forty-five, to have been already provided, and even the coupons which fall due in January, eighteen hundred and forty-six. The balance of the interest falling due in the year eighteen hundred and forty-six, which when taken from the amount of Bank bills in the Treasury of the State after the collection of taxes of the present year, will show only about one hundred thousand dollars minus, to be raised during the year eighteen hundred and forty-five, besides the expenses of the State Government, one hundred and twenty-five thousand dollars, for that year. That amount would be nearly raised by the present revenue bill; but as sound policy would dictate we should have something more than to balance the payments of eighteen hundred and forty-six, by the amount on hand on the State treasury at the beginning of that year—the minority of the Committee would recommend to the Legislature to increase the tax of the present year twenty-five or thirty per centum; and with the addition of some articles of taxation not enumerated in the present tax bill, they think the faith and credit of the State can be maintained.

In reviewing the calculations herein set forth, we are reminded of the sum of five million, two hundred and fifty thousand, five hundred and fifty-five dollars and fifty-five cents, a permanent liability, of principal of the bonds of the State, which has to be provided for, in the course of the next twenty years. It has been contended, that the obligation rests upon the present citizens and tax payers of the State to provide the means to finally pay off that amount. Looking to the reports of the Commissioners appointed to examine the several Banks, it appears that only about one seventh of the present voting population of the State are Bank debtors; and the obligation, which the balance of the present citizens are under, will extend alike to the citizens of the State during the next twenty years. This obligation arises in part from being of those who, conducted and controlled the State Government, during those years of folly and mismanagement, through which we have just passed; and, also, from the duty which arises in return for the use and occupation of the natural and artificial resources of the State, and the protection afforded by its Government to the citizens. A gradual and moderate increase of the taxes in coming years will afford a sufficient sum to meet the contingent annual liabilities of the State, and provide a sinking fund, which will finally pay off the bonds as they fall due, and the proposition to make the increase gradual rather than abrupt, addresses itself forcibly to the mind of every one, from a consideration of the circumstances of the country, the extraordinary low price for its staple commodity, and the fact that no other employment of labor and capital has yet been adopted to afford a better remuneration to our citizens.

The minority would also state, that several features of the bill presented by the majority, are exceptionable to them, particularly the mode of taxing lands, which is a change from the present classification system to a valuation system, by which they cannot but think a greater degree of

inequality will be experienced throughout the State. The present system operates harmoniously with the great mass of the people; and as the inequality of taxes, in their bearing in a community, renders them odious, rather than the particular plan adopted, the minority would suggest to the House, the continuance of the classification system.

Another feature of the bill—for instance the mode of electing assessors, would rather be obnoxious to the objection of an immoral tendency by the management which might attend the selection and formation of grand juries. Other features are alike objectionable, which can be noticed in a different way, when the bill is taken up for its final disposal by the House.

The minority of the Committee have thus disposed of the subject-matter referred, and without any disposition whatsoever to suppose the majority to have erred, they would state to the House, that upon an examination of the two reports, the variance consists in the estimates and speculations of the two branches of the Committee, rather than in any statistical facts.

JOHN W. PORTIS,  
P. H. MITCHELL.

Mr. Dufreesa introduced a bill for the relief of the Judge of Bibb County Court; which was read the first time, and ordered to a second reading.

Mr. Davis of F. presented the petition of Henry Smith and Nancy Smith; which was referred to the committee on divorce and alimony.

Mr. Kirell introduced a bill to authorize the sale of certain Bank lands in the county of Greene; which was read the first and second times, and referred to the committee on the State Bank and Branches.

Mr. Perrine introduced a bill for the relief of Martha Richardson, of Greene county; which was read the first time and ordered to a second reading.

Mr. Jones of Limestone, introduced a bill to divorce Charles M. Weatherford, from his wife Susan Weatherford; which was read the first and second times forthwith, and referred to the committee on divorce and alimony.

Mr. Scott of M. introduced a bill to compensate the Commissioners of Roads and Revenue in the county of Macon; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. McClung introduced a bill to prescribe the time, places and manner of choosing Senators to the Congress of the United States which was read the first and second times, and referred to the committee on federal relations.

Mr. Williams of M. introduced a bill to impose restrictions on the city council of Montgomery; which was read the first, second and third times, and passed.

Mr. Williams of M. introduced a bill to incorporate the Montgomery Library; which was read the first time, and ordered to a second reading.

Mr. Johnson presented the petition of sundry citizens of Pickens county, in regard to a certain turnpike, the rates of toll, &c; which was referred to the committee on corporations.

Mr. Kidd presented the petition of Jack Martin and others; which was referred to the committee on privileges and elections.

Mr. Storrs presented the petition of Abram Norris and others; which was referred to the same committee.

Mr. Edwards introduced a bill to authorize the erection of a toll bridge or a public ferry across Wills Creek, &c.; which was read the first and second times, and referred to the committee on roads, bridges and ferries.

Mr. Inge offered the following resolution:

*Resolved*, That when this House adjourns to day at five P. M. it shall meet again at seven P. M. and adjourn at eleven P. M. and that bills on their second reading shall be the special order for the night session.

*Resolved*, That after this day the rule of this House requiring a call of the several counties for the introduction of bills and petitions, be, and the same is hereby rescinded; which lies over one day.

Mr. Inge presented the petition of C. H. R. Gibbs; which was referred to the committee on the State Bank and Branches.

Mr. Inge introduced a bill to authorize Gideon B. Frierson to erect a toll bridge across Big Sandy Creek, in Tuscaloosa county; which was read the first time, and ordered to a second reading.

Mr. Patton presented the petition of sundry citizens of the town Livingston; which was referred to the committee on corporations.

Mr. Bowdon introduced a bill to amend an act therein named, as to the requirements of its fifth section; which was read the first, second and third times forthwith and passed.

Mr. Bowdon introduced a bill to rescind a certain contract therein named; which was read the first time, and ordered to a second reading.

Mr. Martin presented the account of George D. Purcell; which was referred to the committee on accounts.

Mr. Inge introduced a bill to secure to the Clerks and other officers of Courts their fees in certain cases in the county of Sumter; which was read the first time, and ordered to a second reading.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of Richard G. Moore, reported that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Jackson, from the same committee, to whom was referred the bill for the relief of Frederick Perquet and others, reported the same to the House and recommended its reference to the judiciary committee.



The bill was so referred.

Mr. Jackson, from the same committee, to whom was referred the petition of Charles Smith and C. W. Bazzam, reported,

A bill to emancipate and set free, negro slave Caroline; which was read the first time, and ordered to a second reading.

Mr. Jackson, from the same committee, to whom was referred the petition of sundry citizens of Barbour county, praying the passage of a law to prohibit the sale of spirituous liquors near Glennville, reported,

A bill to prohibit the retail of intoxicating liquors at or near Glennville, in Barbour county; which was read the first time, and ordered to a second reading.

Mr. Martin, from the committee on the State Bank and Branches, to whom was referred the bill to amend the law for the final settlement of the affairs of the Planters and Merchants Bank of Mobile, reported the bill and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Martin, from the same committee, to whom was referred so much of the Governor's message as relates to the compensation of P. Phillips, Esq., for professional services, reported.

A bill for the relief of P. Phillips; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred a bill for the relief of James Griffin for certain services therein named, reported.

A bill to compensate James Griffin for certain services; which was read the first time, and ordered to a second reading.

Mr. Jackson, from the same committee, to whom was referred the joint resolutions for the relief of Dr. Ransom Warner, reported the same to the House and recommended their passage.

The resolutions was read a third time forthwith and passed.

Mr. Jackson, from the same committee, to whom was referred the bill for the final adjustment of the difficulties which exist among the citizens of Cherokee county upon the subject of the permanent location of the county site of said county, reported the bill and petition to the House and asked to be discharged from their further consideration.

The committee were discharged.

Mr. Garrett moved to postpone the bill indefinitely.

Mr. Kimbell, from the committee on enrolled bills, reported as correctly enrolled.

Joint resolutions for the relief of Dr. Ransom Warner.

Twelve o'clock having arrived the House proceeded to the consideration of the special order, it being the bill to appropriate the two per cent. fund.

Mr. Dufreese withdrew the amendment heretofore submitted by himself, and after some time spent in discussing the resolution,

The House adjourned.

## AFTERNOON SESSION, January 1, 1845.

The House met and resumed the consideration of the special order, it being the bill to appropriate the two per cent. fund.

Mr. Chandler moved to amend as follows:

In the seventh section, after the word "shall" in the third line, insert "before they receive said funds;"

In the seventh section, after the word "bill" in the sixth line, insert "that they will accept said loan on the terms prescribed in the third section of this act, and give the bonds of the said companies for the said fund with a mortgage on their roads and property as is therein provided;"

In the seventh section, after the word "and" in the sixth line, insert "conditioned further that if;"

In the eighth section, after the word "bonds," insert "and mortgages."

The amendments were adopted.

Mr. Inge moved to suspend the rule requiring the House to adjourn at six o'clock; which was carried Yeas 18—Nays 9:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Biker, Barnett, Bell, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dunn, Edwards, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hill, Hobdy, Jamison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Maples, Martin, McClung, Merriweather, Mitchell of B. Mitchell of T. Morrison, Mudd, Norman, Patton, Perrine, Perry, Phillips, Prince, Rhodes, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Snowden, Spencer, Stith, Storis, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Baugh, Beck, Dufreese, Gwin, Harris, Jackson, Miree, Smith of M. and Steele.

Mr. Treadwell moved that the House do now adjourn until tomorrow morning, at half past nine o'clock; which was lost. Yeas 26, Nays 61:

YEAS—messrs. Speaker, Alexander, Baker, Baugh, Beck, Bell, Bowdon, Cook, Dufreese, Edwards, Hall, Harris, Jackson, Jones of F. Jones of Lawrence, Lee, Miree, Morrison, Mudd, Perry, Portis, Rose, Smith of M. Snowden, Steele and Treadwell.

NAYS—messrs. Aldridge, Allen of B. Allen of R. Barnett, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cooper, Croom, Davis of F. Davis of Limestone, Dunn, Gamble, Garrett, Grady, Griffin, Hays, Hill, Hobdy, Jamison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Maples, McClung, Merrick, Mitchell of T. Morrisett, Norman, Patton, Perrine, Phillips, Prince, Rhodes, Roby,

Scott of J. Scott of M. Spencer, Stith, Storrs, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

Mr. Jemison moved to amend by striking out the fourth and fifth sections of the bill; which was lost. Yeas 13—Nays 71:

YEAS—messrs. Baugh, Beck, Cook, Harris, Jemison, Jones of Lawrence, King, Lea, Mitchell of T. Mudd, Steele, Storrs and Watts of B.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Bell, Bowcon, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hill, Hobdy, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Limestone, Judge, Kidd, Kimbell, Kittrell, Lansdale, Maples, McClung, Merriek, Miree, Mitchell of B. Morrissett, Morrison, Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Rhodes, Roby, Rose, Scott of J. Scott of M. Snowden, Spencer, Treadwell, Walker, Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

Mr. McClung, moved that the bill be ordered to be engrossed, and made the special order for its third reading on to-morrow, at eleven o'clock; which was carried.

And the House adjourned.

JANUARY 2, 1845.

House met pursuant to adjournment.

A call of the House being made and sustained, the following members answered to their names:

Messrs. Speaker, Alexander, Allen of B. Barnett, Baugh, Brandon, Chandler, Cook, Cooper, Croom, Davis of L. Dufreese, Edwards, Gamble, Grady, Griffin, Hall, Inge, Jackson, Jones of Ben. Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kimbell, Lansdale, Maples, Meriwether, Merrick, Morrison, Patton, Perrine, Phillips, Prince, Rhodes, Roby, Rose, Scott of J. Smith of L. Snowden, Speight, Spencer, Steele, Walker, Watts of D. and Williams of J.

Mr. Maples moved to take up the resolution heretofore offered by himself, in regard to night sessions; which was carried.

Mr. Maples withdrew his resolution.

Mr. Rose moved to take up the resolution offered by Mr. Inge, in regard to night sessions; which was lost.

Mr. Speaker laid before the House, the report of the Cashier of the Branch Bank at Montgomery, in regard to the sixteenth section fund; which was referred to the committee on the sixteenth section fund.

The House resumed the consideration of the bill for the final ad-

justment of the difficulties which exists among the citizens of Cherokee county, upon the subject of a permanent location of the county site of said county.

The question being on the motion to postpone indefinitely

The House refused to postpone the bill indefinitely. Yeas 35—Nays

51:

YEAS—messrs. Aldridge, Allen of R. Chandler, Cobb, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hill, Jackson, Jones of Blount, Jones of C. Jones of Lawrence, Martin, Meriwether, Merrick, Miree, Mitchell of T. Norman, Phillips, Rose, Scott of J. Seawell, Snowden, Speight, Spencer, Walker, Webb and Winston.

NAYS—messrs. Allen of B. Baker, Baugh, Bell, Brandon, Bunting, Clarke, Clay, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Hobdy, Howard, Inge, Jemison, Johnson, Jones of Benton Jones of F. Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mitchell of B. Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Prince, Rodes, Roby, Scott of M. Steele, Stith, Sterrs, Treadwell, Watts of B. Watts of D. Williams of J. Williams of M. and Young.

Mr. Garrett moved to recommit the bill to the committee on propositions and grievances; which was lost.

The bill was ordered to be engrossed for a third reading.

Eleven o'clock having arrived, the House proceeded to the consideration of the special order, it being the bill to appropriate the two per cent. fund.

The bill was read a third time.

Mr. Mudd moved to amend as follows:

Sec. 9. *And be it further enacted*, That the bond or bonds required to be executed by the seventh section of this act, shall be further conditioned to pay interest annually, at the rate of five per cent. per annum, from the date of said bond or bonds, until the Legislature shall elect to invest said fund in the stock of said companies, or to loan the same to them, according to the provisions of the third section of this act.

Mr. McClung moved to lay the amendment on the table; which was carried. Yeas 57—Nays 31:

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Barnett, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Croom, Davis of L. Dunn, Fletcher, Gamble, Garrett, Grady, Hall, Hays, Hill, Hobdy, Jones of Blount, Jones of Franklin, Jones of Limestone, Judge, Kidd, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Miree, Morrisett, Morrison, Norman, Perrine, Phillips, Portis, Prince, Rhodes, Scott of J. Scott of Macon, Smith of Mar. Speight, Spencer, Stith, Walker, Webb, Williams of J., Williams of M. Winston and Young.

NAYS—messrs. Alexander, Baker, Baugh, Bowdon, Davis of F.

Dufreese, Gewin, Harris, Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of Conecuh, Jones of Lawrence, King, Martin, Meriwether, Mitchell of T. Mudd, Perry, Roby, Rose, Seawell, Smith of L. Snowden, Steele, Storrs, Treadwell, Watts of Butler and Watts of Dallas.

The bill passed.

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Bell, Bowdon, Brandon, Bunting, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Cream, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hill, Hobdy, Inge, Jones of Benton, Jones of Blount, Jones of Limestone, Judge, Kell, Kimbell, Kuttell, Lansdale, Lea, Maples, Martin, McClung, Merrick, Miree, Mitchell of B. Morrisett, Patton, Perrine, Phillips, Portis, Prince, Rhodes, Rose, Scott of J. Scott of M. Seawell, Smith of M. Speight, Spencer, Stihl, Treadwell, Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Alexander, Bugh, Dufreese, Gewin, Harris, Howard, Jackson, Jemison, Johnson, Jones of C. Jones of F. Jones of Lawrence, King, Meriwether, Mitchell of T. Morrison, Mudd, Norman, Perry, Roby, Smith of L. Snowden, Steele, Storrs, Walker and Watts of B.

Mr. Walker, from the select committee, to whom was referred the petition of certain citizens of Courtland, reported a bill incorporating the town of Courtland, which was read the first time and ordered to a second reading.

Mr. Jemison, from the select committee, to whom was referred the bill to prevent the hiring of negroes in certain cases, and for other purposes; reported a substitute in lieu of the original bill, and recommended its passage.

The substitute was adopted and ordered to be engrossed for a third reading, having been amended on motion of Mr. Allen of R. by inserting "from and after the first day of June next," in lieu of "from and after the passage of this act."

Mr. Scott of J. from the committee on accounts, reported the accounts of S. S. Houston, as not authenticated, also, the accounts of S. Washburn, and A. Morphill.

In which the House concurred.

Mr. Scott of J. also reported the account of Robert Morton, and recommended its reference to the committee on propositions and grievances.

Ordered, that the account be so referred.

Mr. Perrine, from the committee appointed to examine the offices of the Comptroller of Public Accounts and State Treasurer, made the following report:

The joint committee appointed to examine the offices of the Comptroller of Public Accounts, and State Treasurer, have performed that duty, and have instructed me to report:

That they commenced their examination with the twenty-seventh day of November, eighteen hundred and forty-three, to which date said of-

files were examined, as appears by the report of the committee appointed at the last session of the Legislature, and continued it to the end of the fiscal year, which closed on the sixteenth day of November, eighteen hundred and forty-four.

Your committee carefully compared all the vouchers with the books in the Comptroller's office; also all the warrants and vouchers in the Treasurer's hands, with the books kept by him, and then examined the extensions and additions, and compared the two sets of books, all of which were found to agree with entire accuracy.

Also, compared the vouchers, and corresponding entries on the books, with the various appropriations, and found all correctly paid and entered.

They then compared the results of their examination with the annual reports made to the General Assembly, from both the offices, and ascertained that they contained correct statements of all the receipts, disbursements, and balances of the different funds in the treasury, all of which were deposited in the bank of the State, as appeared from an examination of the bank book of the Treasurer, except thirty-three thousand and forty-six dollars and seventeen cents, which was in the office of the Treasurer, he not having time to make a deposit of the same.

The committee upon reviewing their investigations, are constrained to say that the books, vouchers, and other documents, are correctly and neatly kept, and carefully filed away; and that both the officers have discharged their duties strictly according to law, all of which is respectfully submitted.

Ordered, that the report be laid on the table.

Mr. Scott of J. from the committee on accounts, to whom was referred the petition, account and bill, of J. C. Rawles, sheriff of Tallapoosa county, reported the same to the House as not being a State charge, and recommended their reference to the committee on propositions and grievances.

Ordered, that the papers be so referred.

Mr. Scott of J. from the same committee, to whom was referred the account of D. H. Trott, reported the same to the House as not properly authenticated.

Ordered, that the report be laid on the table.

Mr. Portis, from the select committee, to whom was referred the bill concerning trading boats and their traffic with slaves in this State, reported the same to the House with amendments, and recommended its passage.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Bowdon, from the select committee, to whom was referred the joint resolutions in relation to the public lands, reported a substitute in lieu of the original resolutions, and recommended its adoption.

The substitute was adopted, and ordered to be sent to the Senate its concurrence.

And the House adjourned.

## AFTERNOON SESSION, January 2d, 1845.

The House met and proceeded to the consideration of the special order—it being the bill to apportion the Representatives amongst the several counties in this State, and to divide the State into Senatorial districts.

Mr. Aldridge moved to amend by striking out the word “one” after the word “Blount,” and insert “two.”

Mr. Walker moved to refer the bill to a select committee, consisting one member from each circuit.

On motion of Mr. Mudd, the House resolved itself into committee of the whole, and proceeded to consider the bill by sections.

Mr. McClung in the Chair—and after some time spent in deliberation, the committee rose, the Chairman reported the action of the committee, and asked leave to sit again to-morrow morning, at ten o'clock.

Ordered, that leave be granted to the committee of the whole House, to sit again to-morrow morning, ten o'clock.

The Secretary of State, reported to the House that the Governor had approved:

An act for the relief of James H. Ruins: and

Joint resolutions upon the subject of postage.

And then the House adjourned.

JANUARY 3d, 1845.

The House met pursuant to adjournment.

Mr. Jackson introduced a bill to incorporate the Robinson Institute, for purposes of education, in the county of Autauga; which was read the first, second and third times, and passed.

Mr. Jones of Benton, introduced a joint bill to incorporate the town of Polkville, in the county of Benton; which was read the first, second and third times, and passed.

Mr. Jones of Conecuh, introduced a bill to provide a revenue for the County of Conecuh; which was read the first and second times, and ordered to be engrossed.

Mr. Merriek presented the petition of John Baldwin, and others, which was referred to the committee on internal improvement.

Mr. Croom presented the petition of sundry citizens of Greene county; which was referred to the committee on corporations.

Mr. Williams of J. presented the account of Jonathan C. Camp; which was referred to the committee on accounts.

Mr. Scott of M. presented the petition of Alexander Eady and others; which was referred to the committee on the sixteenth section fund.

Mr. Hays introduced a bill to change the time of the meeting of the Legislature; which was read the first time and ordered to a second reading.

Mr. Roby introduced a bill for the apprehension, securing and safe

keeping of runaway slaves; which was read the first and second times and referred to the committee on the Penitentiary.

Mr. Johnson introduced a bill for the relief of Richard Wilkins, tax collector of Pickens county; which was read a first time and ordered to a second reading.

Mr. Hobdy presented the petition of Wiley White; which was referred to the committee on accounts.

Mr. Perry introduced a bill for the relief of the widow and heirs of William Pride, deceased.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed a bill from the House of Representatives, to be entitled an act to impose restrictions on the City Council of Montgomery.

The hour of ten having arrived, the House resolved itself into a committee of the whole on the bill to apportion the representatives, among the several counties in this State, &c. (Mr. McClung in the chair,) and after some time spent in the discussing the bill, the committee rose reported progress, and asked leave to sit again to-morrow morning, at ten o'clock.

Ordered that leave be granted as desired by the committee of the whole House.

And then the House adjourned.

#### AFTERNOON SESSION, January 3, 1845.

House met pursuant to adjournment, and took up the message from the Senate.

The amendment of the Senate to the bill for the benefit of Mrs. Casey Snead, of the county of Limestone was disagreed to.

The question was taken on the first amendment of the Senate to the bill to exempt certain property from execution, and was concurred in.

The amendment is in these words "and three cows and calves and twenty head of sheep," to come in after the word "dishes." Yeas 47—Nays 20:

YEAS—messrs. Aldridge, Allen of B. Baker, Bowdon, Brandon, Bunting, Chandler, Clarke, Clemens, Cobb, Cooper, Croom, Fletcher, Garrett, Griffin, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, King, Kittrell, Landsdale, Maples, McClung, Merrick, Miree, Mitchell of B. Morrison, Portis, Prince, Rhodes, Scott of J. Seawell, Snowden, Speight, Steele, Stith, Walker, Watts of D. and Williams of M.

NAYS—messrs. Speaker, Alexander, Allen of R. Barnett, Baugh, Beck, Davis of F. Davis of L. Edwards, Gamble, Harris, Jones of B. Jones of F. Lea, Martin, Meriwether, Morrisett, Mudd, Norman, Perrine and Young.



The second amendment of the Senate was concurred in, which is in these words "all family portraits."

The House refused to concur in the third amendment of the Senate; which is in these words "and all chemical and philosophical apparatus of teachers of schools. Yeas 29—Nays 51:

YEAS—messrs. Bunting, Chandler, Clemens, Cobb, Croom, Fletcher, Gewin, Hall, Harris, Howard, Inge, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kittrell, Maples, McClung, Merrick, Mitchell of B. Norman, Perrine, Portis, Prince, Seawell, Speight, Stith, Storrs and Walker.

NAYS—messrs. Speaker, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Clarke, Cook, Cooper Davis of L. Edwards, Gamble, Garrett, Grady, Griffin, Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Jones of F. Kimbell, King, Kittrell, Lansdale, Lea, Martin, Meriwether, Miree, Morrisett, Morrison, Mudd, Patton, Perry, Rhodes, Scott of J. Scott of M. Smith of M. Snowden, Spencer, Steele, Stith, Watts of B. Watts of D. and Young.

The fourth amendment of the Senate was concurred in, which is in these words.

"*Provided*, the provisions of this act shall apply to debts hereafter contracted."

Mr. Cooper moved to reconsider the vote taken on concurring in the first amendment of the Senate.

The House refused to reconsider. Yeas 35—Nays 47:

YEAS—messrs. Speaker, Alexander, Allen of R. Barnett, Baugh, Beck, Bell, Clarke, Cooper, Croom, Davis of F. Davis of L. Edwards, Gamble, Gewin, Grady, Harris, Hill, Howard, Jones of Benton, Jones of Limestone, Lea, Martin, McClung, Morrisett, Morrison, Mudd, Patton, Perrine, Scott, of M. Snowden, Spencer, Storrs, Watts of D. and Young.

NAYS—messrs. Allen of B. Baker, Bowdon, Brandon, Bunting, Chandler, Cobb, Cook, Dufreese, Fletcher, Garrett, Griffin, Hall, Hays, Hobdy, Inge, Jackson, Jemison, Johnson, Jones of Blount, Jones of Conecuh, Jones of F. Jones of Lawrence, Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Maples, Merrick, Miree, Mitchell of B. Norman, Perry, Portis, Rhodes, Scott of J. Seawell, Smith of L. Smith of M. Speight, Steele, Stith, Walker, Watts of B. and Williams of M.

The House refused to concur in the fifth amendment, which is in these words:

"*And be it further enacted*, That the property exempt from levy and sale by the provisions of this act shall not be sold for taxes."

The amendment of the Senate to the bill to require the Sheriff of Butte county, to reside within one mile of the court house of said county, was concurred in.

The bill from the Senate for the relief of Mary Ann Delano Tarleton, was read the first time and ordered to a second reading.

The bill from the Senate to provide for the withdrawal and reimbursement of the sixteenth section fund, was read the first and second time and referred to the committee on the sixteenth section fund.

The bill from the Senate, for the relief of Aquilla Jones, of Blount county:

The bill from the Senate, to regulate damages upon appeals and writs of error:

The bill from the Senate, for the relief of Caroline M. Youngblood:

Were severally read the first time, and ordered to a second reading.

The bill from the Senate, to amend the laws in relation to attachments, was read the first and second times, and referred to the committee on the judiciary.

The bill from the Senate, to enable the Branch Bank at Mobile to redeem the lands of John B. Hogan, was read the first and second time and referred to a select committee, consisting of the delegation from Mobile county.

The bill from the Senate, to reduce the fees of the Clerk of the Supreme Court, was read the first time and ordered to a second reading.

Mr. Perrine moved to reconsider the vote just taken; which was lost. Yeas 14—Nays 64:

YEAS—messrs. Bell, Chandler, Cooper, Croom, Howard, Jones, F. Judge, Lea, Morrisett, Perrine, Storrs, Watts of B. Watts of Illinois, Williams of M. and Young.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of R. Barnett, Baugh, Bowden, Brandon, Bunting, Clarke, Clemens, Cook, Davis of F. Davis of L. Dufreese, Fletcher, Gamble, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Inge, Jackson, Johnson, Jones of Blount, Jones of C. Jones of Lawrence, King, Kittrell, Maples, Martin, McClung, Meriwether, Miree, Muchell of M. Morrison, Mudd, Norman, Patton, Phillips, Portis, Prince, Rhodes, Rose, Scott of J. Scott of M. Seavey, Smith of L. Smith of M. Snowden, Spencer, Stith, Treadwell, Webb.

The bill from the Senate, to provide for the payment of inquests upon deceased convicts of the Penitentiary.

The bill from the Senate to compensate D. Lyman Beccher, for certain services therein named:

The bill from the Senate for the relief of Eliza Ann Rossiter, of Wilcox county:

Were severally read the first time and ordered to a second reading.

Mr. Johnson, from the committee on enrolled bills, reported as correctly enrolled:

An act for the relief of George W. Plomy, and others of the county of Wilcox:

An act to amend an act incorporating the Centenary Institute of

Alabama Annual Conference of the Methodist Episcopal Church, in Dallas county:

An act relating to the Commissioners' Court of Cherokee county:

An act to attach a part of the Camden beat to the Woodville beat in the county of Jackson.

The bill from the Senate requiring certain duties therein described, to be performed by the Secretary of State:

The bill to amend an act entitled an act for the support of paupers in the county of Butler:

The bill from the Senate to incorporate the Florence Fire Engine company:

The bill from the Senate for the relief of Elizabeth Waldron, of Wilcox county:

The bill from the Senate for the relief of Darwin S. P. Thompson, tax collector of Marengo county.

The bill from the Senate to explain an act for the relief of Thomas J. Zimmerman and William O. Pullen:

The bill from the Senate to divide the county of Walker, into two precincts:

The bill from the Senate to appoint Wm. E. Bird, escheator for the county of Dallas.

The bill from the Senate to change the name of a certain person there-named, and for other purposes:

The bill from the Senate to change the name of Benjamin D. Horton, Madison county:

The bill from the Senate for the relief of Robert Terry:

The bill from the Senate for the relief of Jacob S. Marsh, and

The bill from the Senate to alter and amend the Chancery system of this State:

Were severally read the first time and ordered to a second reading.

Mr. Cook, from the committee on enrolled bills, reported as correctly rolled:

An act to authorize James Dent and others, to build a bridge across Tallapoosa river, in Tallapoosa county:

An act to require the clerks of Pickens county, to make and keep a reversed index to the several books of their offices:

An act to authorize the commissioners of roads and revenue in the county of Henry, to raise a revenue in said county:

An act to fix the compensation of the Commissioners of roads and revenue in the counties of Dale and Coffee, and

An act to impose restrictions on the City Council of the city of Montgomery.

Mr. Bell, from the committee on enrolled bills reported as correctly rolled:

An act to amend an act to incorporate the town of Dayton, in Marengo county:

An act to prevent the Judge of the County Court and Commissioners

of roads and revenue of the county of Covington, from receiving any compensation for services rendered at a Commissioners' Court:

An act to emancipate negro slave William:

An act in relation to the county claims of Dale and Coffee counties:

The bill from the Senate to compensate Logan D. Brandon for certain services therein named, and

The bill from the Senate to amend an act entitled an act to incorporate Lafayette, in Chambers county:

Were severally read the first time and ordered to a second reading.

And the House adjourned.

JANUARY 4th, 1845.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill to be entitled an act for the relief of John Kirksey, and Robert B. W. Kirksey:

A bill to be entitled an act to lay out and open a certain road in Monroe county:

A bill to be entitled an act to regulate sheriff's and coroner's sales in certain counties:

A bill to be entitled an act to amend the laws heretofore enacted for the final settlement of the affairs of the Planters' and Merchant's Bank of Mobile:

A bill to be entitled an act for the relief of Wm. Erwin, of Perry county; also,

Joint resolutions of the General Assembly of the State of Alabama:

In which the concurrence of your Honorable body is requested.

The Senate has also passed bills from the House of Representatives, the following titles, without amendment:

A bill to be entitled an act for the relief of James T. May:

A bill to be entitled an act to change the name of John Miller, to that of John Perrett, Jr.:

A bill to be entitled an act to establish a Medical Board in the town of Sugsville, in Clarke county:

A bill to be entitled an act to authorize the Governor, to require the Agent of the State to take possession of the Salt Reserve Lands, Clarke county, and to allow compensation to said agent:

A bill to be entitled an act for the relief of Brittain McDaniel and Nancy Collins, of Fayette county:

A bill to be entitled an act to incorporate the Dadeville Academy, in Tallapoosa county:

A bill to be entitled an act to create an additional company beat, in St. Clair county.

A bill to be entitled an act authorizing the formation of two Captain's Companies in the county of Blount:

A bill for the compensation of John R. Ware and Lawson Williford:

A bill to be entitled an act to amend the road law as to the counties of Greene and Marengo:

A bill to be entitled an act to enable the Judge of the County Court, and Commissioners of roads and revenue for the county of Franklin, to sell certain lands therein specified, and for other purposes:

A bill for the support of paupers in Randolph county:

A bill for a special term of the Commissioners Court of roads and revenue in the county of De Kalb;

A bill in relation to the standard of weights and measures:

A bill to establish a military beat with a less number of privates than forty:

A bill to provide for the payment of jurors in certain counties therein named:

A bill to change in part the mode of drawing grand and petit jurors, for the counties of Henry, Dale and Coffee:

A bill for the relief of Mary Jackson Arrington, of Sumter county:

The Senate has passed the following bills from the House of Representatives, amended as therein shown:

A bill declaring Margaret Shegog a free dealer, and for other purposes:

A bill for the relief Doctor Elijah Dodson, of Taladaga county and others:

A bill entitled an act, to amend an act, to authorize the tax collector of Covington county to receive jury certificates, only in payment of taxes approved January seventeenth, eighteen hundred and forty-four, and for other purposes:

A bill entitled an act to enable the people of Henry county, to locate the seat of justice of said county:

The Senate has also passed joint resolutions from the House of Representatives, authorizing the Governor to loan tents and camp equipage, to certain volunteer companies therein named.

Mr. Allen of R. presented the petition of Drury S. Allen, of Randolph county; which was referred to the committee on propositions and grievances.

Mr. Barnett introduced a bill authorizing the rescission of a contract of the sale of a part of a certain sixteenth section, in Russell county; which was read the first time, and ordered to a second reading.

Mr. Edwards presented the petition of sundry citizens of St. Clair, praying the formation of a company beat in said county, and also to attach a part of Blount, to St. Clair county; which was referred to the committee on county boundaries.

Mr. Woodward moved to take from the orders of the day, the bill to secure the Clerks and other officers of Courts their fees in certain cases, in the county of Sumter; which was carried.

The Bill was read a second time, and referred to the delegation from Sumter county.

Mr. Patton presented the petition of sundry citizens of the town of Payneville, Sumter county; which was referred to the committee on corporations.

Mr. Patton introduced a bill to regulate the pay of jurors in the county of Sumter; which was read the first time, and ordered to a second reading.

Mr. Prince presented the petition of S. S. Houston; which was referred to the committee on propositions and grievances.

Mr. Bowden introduced a bill to establish a board of physicians in the town of Talladega; which was read the first time, and ordered to a second reading.

On motion of Mr. Phillips,

*Resolved*, that the President of the Bank of the State of Alabama, be requested to inform this House immediately in what manner the Bank has provided for the payment of a part or the whole of the interest due by the State in eighteen hundred and forty-five, and if this has been done by the purchase of bills of exchange, to furnish a list of such exchange, stating the form of the bills, their dates, time and place payable, amounts, the drawers, acceptors and endorsers; and if the whole of said interest is not provided for, to state what means the Bank has of providing for the remainder of the interest.

The hour of ten having arrived, the House resolved itself into committee of the whole, on the bill to appropriate the representation among the several counties in this State, and after some time spent in deliberation, the committee rose and through its chairman,

Mr. McClung, reported to the House the following amendment, to wit:

Strike out the word "two" after the word "Marion," and insert "one," strike out "two" after the word "Perry" and insert "three," the amendment was adopted.

Mr. Snowden moved to amend by striking out "Conceh" where it occurs in the third section, and insert "Covington;" which was lost.

Mr. Morrisett moved to reconsider the vote just taken; which was carried.

The vote was again taken and the amendment was adopted.

Mr. Allen of R. moved to amend by striking out "Tallapoosa" where it occurs in the third section of the bill, and insert "Randolph;" which was lost.

Mr. Cook moved to amend as follows:

That the counties of Lauderdale, Madison, Jackson, Franklin, Benton, Talladega, Chambers, Russell, Macon, Barbour, Perry, Greene, Tuscaloosa, Sumter, Pickens, Dallas, Montgomery and Mobile, shall each form one Senatorial District:

And the counties of Limestone and Morgan, one:

Lowndes and Butler, one:

Shelby and Bibb, one:

Autauga and Coosa, one:

Covington, Pike and Coffee, one:

Monroe, Conecuh and Baldwin, one:

Dale and Henry, one:

St. Clair and Jefferson, one:

Marengo and Washington, one:

Wilcox and Clarke, one:

Marion and Fayette, one:

Lawrence and Walker, one:

Randolph and Tallapoosa one:

Marshall and Blount, one:

And DeKalb and Cherokee, one.

Mr. Walker moved to lay the amendment on the table; which was carried. Yeas 59—24.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Beil, Brandon, Chandler, Clay, Cobb, Cooper, Davis of F. Davis of L. Fletcher, Gamble, Garrett, Gewin, Hays, Hill, Hobdy, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kimbell, Lunsdale, Lea, Maples, Martin, McClung, Meriwether, Merriek, Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Scott of J. Seawell, Smith of L. Snowden, Speight, Spencer, Steele, Stith, Treadwell, Walker, Watts of B. Williams of J. and Woodward.

NAYS—messrs. Clarke, Cook, Croom, Dunn, Grady, Hall, Harris, Howard, Jenison, Johnson, Inge, Kidd, King, Kittrell, Mitchell of B. Mitchell of T. Perrine, Prince, Rhodes, Scott of M. Smith of M. Storrs, Watts of D. and Williams of M.

Mr. Kimbell moved to strike out the word after "Tallapoosa" where it occurs after "Randolph" in the second section; which was lost.

The bill was ordered to be engrossed for a third reading.

Mr. Johnson, from the committee on enrolled bills, reported as correctly enrolled:

An act in relation to the standard of weights and measures:

An act for the relief of James T. May:

An act to change the name of John Miller, to that of John Perrett, Jr:

An act for the relief of Brittain McDaniel and Nancy Collins, of Fayette county:

Joint resolutions authorizing the Governor to loan tents and camp equipage to certain volunteer companies therein named:

An act for a special term of the commissioners Court of Roads and Revenue for the county of De Kalb:

Mr. Phillips moved to suspend the rules, that he might have an opportunity of introducing a resolution.

And then the House adjourned.

## AFTERNOON SESSION, January 4, 1845.

The House met and resumed the consideration of the motion of Mr. Phillips to suspend the rules.

The vote was taken and the House refused to suspend.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed a bill to change the time of holding the February term of the County Court of Franklin county, and,

Joint resolutions for the relief of James V. Robinson:

In which the concurrence of the House is requested.

The House took up the special order, it being the bill to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State.

Mr. Jones of Lawrence, moved to postpone the further consideration of the bill until Thursday next, and make it the special order for that day at twelve o'clock; which was carried.

Mr. Stith, from the select committee, to whom was referred the bill to regulate the rights and liabilities of husband and wife in regard to property, reported the same to the House with sundry amendments, and recommended its passage.

The amendments were adopted, and the bill ordered to be engrossed and made the special order for Saturday next, at twelve o'clock.

Mr. Watts of B. from the select committee, to whom was referred the bill to alter and amend the Chancery system of this State, reported an amendment in lieu of the second and third sections of said bill, and recommended its passage.

Mr. Smith of L. moved to strike out "Tuscumbia," in the amendment, and insert "Florence," which was lost.

Mr. Inge moved to lay the bill and amendments on the table; which was lost. Yeas 34—Nays 45:

YEAS—Messrs. Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Bell, Cobb, Davis of F. Edwards, Fletcher, Gamble, Hall, Harris, Hays, Hill, Inge, Jones of Blount, Lea, Maples, Merrick, Miree, Patton, Perry, Portis, Roby, Scott of J. Smith of mar. Speight, Steele, Webb, Williams of J. Winston and Young.

NAYS—messrs. Speaker, Beck, Bowdon, Brandon, Chandler, Clarke, Cook, Cooper, Croom, Dufreese, Dunn, Garrett, Griffin, Hobdy, Howard, Jackson, Johnson, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kimbell, King, Kittrell, Lansdale, Martin, McClung, Mitchell of B. Mitchell of T. Morrisett, Mudd, Norman, Perrine, Phillips, Prince, Rhodes, Rose, Scott of M. Seawell, Smith of L. Snowden, Spencer, Stith, Walker, Watts of B. Watts of D. and Williams of M.

Mr. Scott of M. moved to amend the amendment of the committee, by striking out "Chambers," and inserting "Macon," which was lost.

Mr. Cobb moved to strike out "Madison," in the amendment, and insert "Jackson;" which was lost.



Mr. Fletcher moved to strike out "Madison," and insert "Marshall;" which was lost.

Mr. Phillips moved to amend as follows:

"The time of holding the Court for the eleventh Circuit, shall be determined by the Chancellor, and duly published as soon as determined on;" which was adopted.

Mr. Barnett moved to amend by striking out "Chambers," and inserting "Russell;" which was lost.

Mr. Smith of M. moved to amend by striking out, "Eutaw, Greene county," and inserting "Demopolis, Marengo county."

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed a bill to apportion the representation among the several counties in this State, and to divide the State into Senatorial districts.

And the House adjourned.

JANUARY 6th, 1845.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the report of the Cashier of the Branch Bank at Mobile, in relation to the sixteenth section fund, also,

A report from the Cashier of the Branch Bank at Mobile, showing the amount paid for the State Government, which was referred to the committee on the State Bank and Branches.

The bill from the Senate to be entitled an act to change the time of holding the February term of the County Court of Franklin county; was read the first, second and third times and passed.

Mr. Mitchell of B. introduced a bill for the relief of Martin Coleman; which was read the first and second times, and referred to the committee on the judiciary.

Mr. Young introduced a bill to confer certain privileges upon an association therein named, as an inducement to navigate the Coosa river, with steam power; which was read the first time and ordered to a second reading.

Mr. Watts of B. presented the petition of Jacob Merrill; which was referred to the committee on county boundaries; also,

A petition from sundry citizens of Butler county, in relation to the pay of jurors, and other county matters; which was referred to the delegation from Butler.

Mr. Garrett presented the petition of sundry citizens of Cherokee county; which was referred to the delegation from Cherokee.

Mr. Rose introduced a bill to prevent the cutting and carrying off steamboat or fire wood of any kind; which was read the first time and ordered to a second reading.

Mr. Snowden introduced a bill to consolidate the offices of Circuit and County Clerks in Covington county; which was read the first and second times, and referred to the committee on the judiciary.

Mr. Merrick introduced a bill to change the time of holding the County Court of Dale county; which was read the first time and ordered to a second reading.

Mr. Webb presented the petition of Wm. Griffin, and others, of De Kalb county; which was referred to the committee on roads, bridges and ferries.

Mr. Davis of L. introduced a bill to declare Drucilla Roberts, a free dealer; which was read the first and second time and ordered to be engrossed.

Mr. Bell presented the account of Wm. Young; which was referred to the committee on accounts.

Mr. Kittrell presented a petition from sundry citizens of Greene county, in regard to attaching a part of Greene to Perry county; which was referred to the committee on county boundaries.

Mr. Davis of L. presented the account of Arthur M. Liveaney; which was referred to the committee on accounts.

Mr. Davis of L. presented the petition of H. Featherstow, and others, in regard to the rescission of a certain sixteenth section contract; which was referred to the committee on the sixteenth section fund.

Mr. Dunn presented the petition of sundry citizens of Mobile county, in relation to the law of libelling steam boats; which was referred to the committee on the judiciary.

Mr. Brandon presented the account of Wm. R. Hunt, which was referred to the committee on accounts.

Mr. Chandler presented the petition of Wm. Royal; which was referred to the committee on propositions and grievances.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles:

A bill for the relief of Philip Phillips, Esq. :

A bill for the relief of Thomas G. A. Cox:

A bill for the relief of Mrs. Mahulda Childress:

A bill for the relief of Martha Richardson, of Greene county:

A bill to vest in Ruthy S. Brown, wife of David Brown, of Tuscaloosa county, certain rights and privileges therein named, and for other purposes:

A bill to be entitled an act the more effectually to secure the collection of debts against corporations:

A bill to amend the laws in relation to contracts, in certain cases: and

A bill to be entitled an act, for the relief of Moses W. Simmons, of Talladega county:

In which the concurrence of your honorable body is requested.

Mr. Stith introduced a bill to change the time of holding the County Court of Pickens county; which was read the first, second and third times forthwith, and passed.

Mr. Stith introduced a bill to reduce the rate of salvage on bales of cotton; which was read the first and second times, and ordered to be engrossed for

Mr. Lansdale introduced a bill to repeal an act, to incorporate the Town of Troy; which was read the first, second and third times, and passed.

Mr. Barnett introduced a bill to incorporate the Franklin Academy, in the county of Russell; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Meriwether introduced a bill to provide for a special tax, in the county of Tuscaloosa; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Martin presented the account of James R. Lyon; which was referred to the committee on accounts.

Mr. Prince presented the petition of sundry citizens of Mobile, praying the repeal of the law, prohibiting foreign corporations from discounting bills of exchange within this State; which was laid on the table.

Mr. Mason presented the account of M. M. Bonham; which was referred to the committee on accounts.

Mr. Martin, from the committee on the State Bank and Branches, to which was referred the memorial of Charles R. Gibbs, reported,

A bill for the relief of Charles R. Gibbs; which was read the first and second times:

Mr. Phillips moved to amend as follows:

*Provided*, That the administrator shall first pay to the Bank the same per cent. as has been paid to the other creditors of the estate.

Which was lost. Yeas 30—Nays 56.

YEAS—messrs. Aldridge, Barnett, Bell, Chandler, Clemens, Cook, Davis of L. Grady, Hall, Howard, Jackson, Jones of C. Jones of Limestone, Judge, McClung, Mitchell of T. Mudd, Perrine, Perry, Phillips, Roby, Rose, Scott of J. Smith of L. Snowden, Storrs, Walker, Watts of B. and Watts of D.

NAYS—messrs. Speaker, Alexander, Allen of B. Baugh, Beck, Bowdon, Brandon, Clarke, Clay, Cobb, Cooper, Croom, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Garrett, Griffin, Hall, Harris, Hays, Hobdy, Inge, Johnson, Jones of Blount, Jones of F. Jones of Lawrence, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Martin, Meriwether, Merrick, Miree, Morrison, Norman, Patton, Portis, Prince, Rhodes, Scott of M. Smith of M. Speight, Spencer, Stith, Treadwell, Webb, Williams of M. Winston, Woodward and Young.

The bill was ordered to be engrossed for a third reading. Yeas 58—Nays 24:

YEAS—messrs. Speaker, Alexander, Allen of B. Allen of R. Baugh, Beck, Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Garrett, Griffin, Hall, Harris, Hays, Hobdy, Judge, Jones of Blount, Jones of Lawrence, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B. Morrison, Norman, Patton, Prince, Rhodes, Scott of Macon, Smith of Mar.

Speight, Spencer, Stith, Storrs, Treadwell, Webb, Williams of M. Winston, Woodward and Young.

**NAYS**—messrs. Aldridge, Bell, Clarke, Clemens, Davis of L. Dunn, Hill, Howard, Johnson, Jones of Conecuh, Jones of Franklin, Judge, Maples, Mitchell of T. Perrine, Portis, Roby, Rose, Scott of J. Smith of L. Snowden, Walker, Watts of Butler and Watts of Dallas.

Mr. Prince, from the committee on county boundaries, to which was referred the bill to attach a part of township nineteen, range five, east, in the county of Greene, to the county Perry, reported the same to the House and recommended its passage.

Mr. Moore, (Mr. Clemens in the chair) moved to amend as follows: Strike out all after the enacting clause, and insert the following:

“That the east half of township nineteen, and range five, in the county of Greene, be, and the same is hereby attached to the county of Perry, and shall from and after the passage of this act, constitute a part of said county of Perry.”

The amendment was adopted, and the bill ordered to a third reading.

Mr. Rose, from the committee on the Penitentiary, to whom was referred the bill for the apprehension and safe keeping of runaway slaves, reported the same to the House and recommended its passage.

Mr. Dufreese moved to strike out “three,” where it occurs before “years,” in the second section, and insert “two;”

Which was lost.

Mr. Dufreese moved to fill the blank in the first section with “twenty years;”

Which was lost.

The bill was ordered to be engrossed for a third reading.

Mr. Rose, from the committee on the Penitentiary, to which was referred a resolution, instructing said committee to inquire into the expediency of working at least a portion of the convicts, on the public improvements in this State, reported, that it was inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Lea, from the committee on divorce and alimony, to which was referred a petition from sundry citizens of Fayette county, reported,

A bill to legalize a certain marriage therein named, and recommended its passage.

The bill was read the first and second times, and ordered to be engrossed.

Mr. Phillips, from the committee on federal relations, to which was referred a bill to prescribe the time, place and manner of choosing Senators to the Congress of the United States, reported the bill back to the House and recommended its passage.

The bill was ordered to be engrossed.

Mr. Jackson, from the committee on propositions and grievances, to

which was referred the petition of sundry citizens of Coosa county, praying the passage of a law to authorize Wm. Adkins to retail spirituous liquors without license, reported, that it would be inexpedient to grant the prayer of the petition:

Which, upon motion of Mr. Jackson, was laid upon the table.

Mr. Stith, from the committee on corporations, to which was referred a bill to be entitled an act, to establish the State Mutual Insurance Company, reported the same to the House without amendment and recommended its passage.

The bill was ordered to be engrossed.

Mr. Stith, from the same committee, to which was referred the petition of sundry citizens of the city of Wetumpka, praying the repeal of the charter of said city, so far as the sixth Ward is concerned, reported, that it would be inexpedient to grant the prayer of the petitioners, and asked to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Stith, from the same committee, to which was referred the petition of sundry citizens of Livingston, Sumter county, asking the passage of a law authorizing the Intendant and Council of said Town, to sell such parts of streets in said Town as they may deem of no public utility, reported a bill and recommended its passage.

The bill to authorize the Intendant and Council of the town of Livingston, Sumter county, to sell useless streets; was read the first time and ordered to a second reading.

Mr. Stith, from the same committee, to whom was referred a bill to incorporate the Bay Minette Manufacturing Company, reported that they had amended the same by striking from the last two lines of the second section, the words, "And the property of said corporation to be exempt from taxation for the term of ten years;" and recommended the adoption of the amendment and passage of the bill as amended.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of Elizabeth Felder, of Macon county; reported,

A bill for the relief of Elizabeth Felder, of Macon county; which was read the first time and ordered to a second reading.

Mr. Stith, from the committee on corporations, to whom was referred a bill to amend an act to incorporate Uniontown, in Perry county, reported a substitute in lieu of the original bill and recommended its passage.

The substitute was adopted, and ordered to engrossed for a third reading.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the account of Solomon Washburn, reported the same to the House, and suggested its reference to the committee on accounts.

The report was laid on the table, and the account referred to a select committee.

Mr. Jackson, from the same committee, to whom was referred the bill for the relief of Austin Murplon, reported the same to the House, and recommended its reference to the committee on accounts.

Ordered, that the bill be so referred.

Mr. Phillips, from the committee on the judiciary, to whom was referred the petition of S. M. Ingersoll, made the following report:

The committee on the judiciary, to whom was referred the petition of S. M. Ingersoll, of the town of Girard, beg leave to report that by an act of Congress, for the amicable settlement of the limits with the State of Georgia, and the establishment of a government in the Mississippi Territory, the President was authorized to appoint Commissioners to act with Commissioners to be appointed by the State of Georgia, to adjust all interfering claims to Territory situate west of the Chattahoochie, north of the thirty first degree of north latitude, and south of the cession made by South Carolina. By the third section of this act, the tract of country bounded on the west by the Mississippi, on the north by a line to be drawn due east from the mouth of the Yazoo on the Chattahoochie river, on the east by the Chattahoochie river, and on the South by the thirty-first degree of north latitude, is constituted one district, to be called the Mississippi Territory. Under this act of Congress, articles of agreement and cession were entered into on the twenty-fourth April, eighteen hundred and two, between the Commissioners so appointed by the President, and the Commissioners appointed by the State of Georgia, which articles were duly ratified by the State of Georgia, by act of sixteenth June, eighteen hundred and two, the first article of which stipulates that the State of Georgia cedes to the United States all the right, title and claim, which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the State of Tennessee, and west of a line beginning on the western bank of the Chattahoochie river, where the same crosses the boundary line between the United States and Spain, running thence to the said river Chattahoochie, and along the western bank thereof, to the great bend thereof, &c. The act of Congress of second March, eighteen hundred and nineteen, enables the people of Alabama territory to form a Constitution and State Government, and fixing the limits of said territory, calls for the western boundary line of the State of Georgia, and the Constitution adopted by the State follows the description set out in the act of Congress last mentioned. It appears from the petition that the petitioner is proprietor of land at or near the town of Girard in this State, and that under acts of incorporation from this State, he has erected mills and manufacturing establishments. That the State of Georgia has passed an act granting to the city of Columbus, immediately opposite Girard, the right to the river extending to high water mark on the western bank, which grant covers a portion of the land and mills of the petitioner, that the city of Columbus has disposed of the right to a company, which has already built a factory, and erected a dam across the river, that floods and almost destroys the value of one of his mills, and that a right is set up to a col-

ton gin factory of petitioner, which is also situated on the shore or bank of said river. The petitioner further sets out that but for this claim the town of Girard would have now possessed a very large population, and the resources of the State been greatly augmented by the location in said town of large capital for manufacturing purposes; and the petitioner concludes with a prayer that the State should employ counsel to aid him in trying the right set up by the State of Georgia in the premises. Your committee are unanimously of opinion that the claim set up under the grant of Georgia to the premises in question, is wholly untenable; by no just construction can the acts referred to, give the State of Georgia the right to extend her civil or criminal jurisdiction, over any portion of the soil west of the west line of the channel of the Chattahoochee river, between the thirty first degree, and the great bend as set forth in the above recited descriptions. In view of the great interests which the State of Alabama has in the preservation of the said line of the Chattahoochee, according to the true intent and meaning of said acts in protecting the rights of her citizens, and maintaining the exercise of her civil and criminal jurisdiction undisturbed; the committee recommend the adoption of the following resolution:

*Resolved*, That the Governor be authorized to employ counsel to assist the said S. M. Logersoll, in having the right claimed by the State of Georgia full adjudicated.

The resolution was read the first time and ordered to a second reading.

Mr. Jones of G. made the following report:

The committee on privileges and elections to whom was referred the bill to change the mode of conducting election precincts, have had the same under consideration, and have instructed me to report: That notwithstanding the bill contemplates a change that no doubt would prove beneficial to the citizens of various portions of the State in succeeding time, by placing it in their power to have more speedy action when it may be desired in abolishing or creating election precincts than is now attainable under existing laws; as well as relieving the Legislature of local legislation on the subject, in making changes from time to time to suit the wishes and convenience of citizens. The committee have had under serious consideration an objection to the change proposed, which to them appears fatal to the bill. The eighth section of the third article of the Constitution, provides that elections for representatives for the several counties shall be held at the place of holding their respective Courts, and at such other places as may be prescribed by law. This clause of itself designates one election precinct in each county, at the place of holding the respective Courts, leaving all other precincts to be established at such places as may be prescribed by law, if at any time should the change proposed by the bill be effected, the citizens of the towns in which the respective Courts are held, became desirous to change the election precincts established at the places of holding the Courts, this part of the clause referred to might be violated with impunity in the mode pointed out in the bill.

The committee has taken view further of the clause referred to which continues "and at such other places as may be prescribed by law;" the committee are of opinion from this part of the constitution that all other precincts except those already established, must be at such places as may be prescribed by law, and as the Legislature is the only law making power there is no authority by which it can divest itself of this power and vest it in an inferior tribunal. From these considerations the committee are of opinion that the change proposed by the bill is unconstitutional, and ask to be discharged from its further consideration.

The report was concurred in and the committee discharged.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of John Steward, praying the emancipation of certain slaves therein named, reported that it would be inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Jackson, from the same committee, to whom was referred the petition of sundry citizens of Mobile, praying the passage of a law for the relief of A. Bull and Paul Powers, reported that it would be inexpedient to grant said relief.

The report was concurred in.

Mr. Jackson, from the same committee, to whom was referred the account of Robert Martin, reported that it would be inexpedient to allow said account.

The report was concurred in.

Mr. Jackson, from the same committee, to whom was referred the bill to compensate J. C. Rawles, sheriff of Tallapoosa county, reported that it would be inexpedient to pass said bill.

The report and bill were laid on the table.

Mr. Clemens, from the committee on the judiciary, to whom was referred the petition of sundry citizens of Autauga county, in relation to camp hunting, reported that it would be inexpedient to legislate upon the subject.

The report was laid on the table.

Mr. Clemens, from the same committee, to whom was referred the bill for the relief of assignees of bonds and notes, reported that it would be inexpedient to pass said bill.

The report was concurred in.

Mr. Clemens, from the same committee, to whom was referred the bill to authorize James M. Vaughan, executor of the estate of Benjamin Metcalfe, deceased, to sell the real estate belonging to the estate of said executor, testator, reported the same to the House without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred the bill to authorize the Governor to ascertain and punish persons guilty of removing public property from the Tennessee Canal, reported the same to the House and recommended its passage.



The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred the bill for the relief of Frederick Perquet and others, reported the bill to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred the bill for the relief of Wm. Payne, reported the same to the House with an amendment, and recommended its passage.

The amendment was concurred in—the bill ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred the bill to amend the laws in relation to attachments, reported the same to the House, with amendments and recommended its passage.

The amendments were concurred in.

Mr. Smith moved to amend as follows:

“Unless such writ had been in the hands of the officer commanded to execute the same at least thirty days before the commencement of the court to which said writ shall be returnable.”

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has adopted the following resolution in which the concurrence of your Honorable body is respectfully asked.

*“Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the doorkeeper of each House make suitable preparations, and on the night of the eight instant, illuminate the entire Capitol in that manner best calculated to celebrate the memorable event of which that day is the anniversary.”*

The resolution was concurred in.

A message from the Senate, by Mr. Marrast:

The Senate has adopted the following resolution, in which the concurrence of the House is respectfully asked:

*“Resolved, that with the concurrence of the House of Representatives, the two Houses will adjourn sine die, on the sixteenth instant.”*

And then the House adjourned.

#### AFTERNOON SESSION, January 6th, 1845

The House met pursuant to adjournment.

Mr. Rose moved to take up the resolution from the Senate, proposing to adjourn sine die on the sixteenth instant; which was carried.

Mr. Smith of L. moved to lay the resolution on the table; which was carried. Yeas 48—Nays 44:

YEAS—messrs. Allen of R. Baugh, Bowdon, Brandon, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Dunn, Edwards, Garrett, Griffin, Hall, Hill, Howard, Jemison, Jones of Blount, Jones of F. Jones of Lawrence, Judge, Kennedy, Kidd, Kimbeli, King, Lands-

dale, Martin, Mason, McClung, Meriwether, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Perry, Portis, Prince, Scott of J. Seawell, Smith of L. Snowden, Stith, Watts of B. Webb, and Williams of M.

**NAYS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Beck, Bell, Croom, Davis of F. Davis of L. Dufreese, Fletcher, Gamble, Gewin, Grady, Hays, Hobdy, Inge, Jackson, Johnson, Jones of Benton, Jones of C. Jones of Limestone, Kittrell, Lea, Maples, Merriek, Miree, Patten, Perrine, Phillips, Rhodes, Roby, Rose, Scott of M. Smith of M. Speight, Spencer, Storrs, Treadwell, Walker, Watts of D. and Winston.

Mr. Rose moved to take up the resolution heretofore offered by Mr. Inge, proposing to hold night sessions; which was carried.

Mr. McClung moved to amend the resolution as follows:

Strike out all after the word "*Resolved*," and insert,

That from and after the sixteenth instant, this House will hold evening sessions, commencing at seven o'clock, P. M. and ending at nine o'clock, omitting the eighth of January.

Mr. Clemens moved to amend the amendment by adding.

"When local and private bills shall be first disposed of."

The amendment to the amendment was adopted.

Mr. Bowden moved to amend the amendment by striking out "sixth" and inserting "ninth" before "instant;" which was lost.

Mr. Jones of Limestone moved to amend by striking out "sixth" before "instant" and inserting "thirteenth;" which was lost.

Mr. Jones of C. moved to strike out "nine" before "o'clock" and insert "ten;" which was lost.

Mr. Bowden moved to amend by striking out "nine," before "o'clock," and insert "eleven;" which was lost.

The amendment as amended was then adopted, and the resolution as amended adopted.

The House proceeded to the consideration of bills on their second reading.

The joint resolutions proposing an amendment to the Constitution, so as to give the election of Judges of the County Courts to the people, being first in order.

The question pending on the motion of Mr. Jones of C. to amend by striking out the word "back," and inserting "face," the amendment was adopted, and the resolutions ordered to be engrossed for a third reading. Yeas 45—Nays 40:

**YEAS**—messrs. Speaker, Allen of B. Baker, Barnett, Baugh, Cobb, Cook, Croom, Davis of F. Garrett, Grady, Griffin, Hall, Hill, Inge, Jackson, Johnson, Jones of Benton, Jones of C. Jones of Lawrence, Judge, Kennedy, King, Kittrell, Lea, Mason, Merriek, Miree, Mitchell of B. Morrisett, Perrine, Portis, Prince, Rhodes, Scott of M. Smith of L. Snowden, Spencer, Storrs, Walker, Watts of B. Webb, Williams of M. Winston, and Young.

**NAYS**—messrs. Aldridge, Alexander, Allen of R. Beck, Bowden,

Brandon, Chandler, Clay, Cooper, Davis of L. Dufreese, Dunn, Fletcher, Gamble, Hays, Hobbs, Jemison, Jones of F. Jones of Limestone, Kimbell, Lunsdale, Miples, Martin, McClung, Meriwether, Mitchell of T. Morrison, Mudd, Norman, Patton, Perry, Phillips, Roby, Rose, Scott of J. Seawell, Smith of M. Speight, Smith and Treadwell.

The bill to regulate the pay of jurors serving in magistrates Courts, was read a second time:

Mr. Fletcher moved to amend by adding "Marshall;" which was carried.

Mr. Aldridge moved to amend by adding "Blount;" which was carried.

On motion of Mr. Smith of L. the bill was referred to the committee on propositions and grievances.

The bill to authorize the Court of roads and revenue of Butler county, to levy a county tax, was read the second time and ordered to be engrossed for a third reading.

The bill for the payment of State witnesses, was read the second time and referred to the committee on the judiciary.

The bill to change the mode of assessing taxes in the county of Monroe, was read the second time:

And on motion of Mr. Howard, referred to a select committee of five members.

The bill to extend the time of the Circuit Court of Pickens, and to change the time of holding the Circuit Court of Sumter, was read the second and third times and passed.

The bill to divide the forty-eighth regiment, Alabama militia, was read the second time and ordered to be engrossed for a third reading.

The bill to amend the law in relation to retailers of spirituous liquors, in the county of St. Clair, and for other purposes, was read the second time and lost.

The bill to permit the taking of testimony by deposition, in the counties of Monroe, Clarke and Washington, and reciprocally in the county and city of Mobile, was read the second time and ordered to be engrossed for a third reading.

The bill to compensate the President of the State Bank for extra services performed by direction of the Legislature of this State, was read the second time, and referred to the committee on the State Bank and Branches.

The bill to authorize the Governor to exchange the stock belonging to the State in the Bank of Mobile, for one equal or larger amount of State bonds, was read the second time and referred to the committee on the State Bank and Branches.

The bill for the relief of John Garner, was read the second time and ordered to be engrossed for a third reading.

The bill to authorize the Judges of the Orphans' Courts in this State, to grant orders for the sale of real estate in certain cases therein named, was read the second time and referred to the committee on the judiciary.

The bill to establish monthly Courts and jury trials in justices' Courts,

in the county of Pickens, and to regulate the proceedings therein, was read the second time and ordered to be engrossed for a third reading.

The bill to incorporate the town of Carrollton, in the county of Pickens, was read the second time and ordered to be engrossed for a third reading.

The bill making the libelling or slandering of a female an indictable offence, was read the second time and referred to the committee on the judiciary.

Mr. Speaker laid before the House a report from Joel Riggs, Esq. showing the amount of interest paid on the State debt, the drawers of the bills, &c.

Ordered, that the report be laid on the table.

And the House adjourned.

JANUARY 7th, 1845.

The House met pursuant to adjournment.

A call of the House being made and sustained, the following members answered to their names:

Messrs. Speaker, Aldridge, Barnett, Bell, Chandler, Davis of F. Edwards, Gamble, Garrett, Hays, Hobdy, Jackson, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Kimbrell, King, Lansdale, Maples, Mason, Meriwether, Mirce, Mitchell of B. Mudd, Patton, Perry, Portis, Roby, Scott of M. Smith of L. Snowden, Speight, Treadwell, Walker, Watts of B. Webb, Winston and Young.

Mr. Speaker laid before the House reports from the Huntsville and Decatur Banks, showing the condition of the sixteenth section fund; which were referred to the committee on the sixteenth section fund.

The House then resumed the consideration of the bill from the Senate, to amend the laws in relation to attachments; the question pending on the amendment offered by Mr. Smith.

Mr. Clemens moved to lay the amendment on the table; which was carried.

Mr. Hill moved to amend as follows:

*Provided*, That it shall be lawful for the Sheriff to leave a copy of such writ at the most notorious place of residence of such defendant, which shall be taken and held in law as a legal service of said writ.

Mr. Clemens moved to lay the amendment on the table; which was carried. Yeas 70—Nays 17;

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Baugh, Beck, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Croom, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Gamble, Grady, Griffin, Hays, Hobdy, Howard, Inge, Jones of Blount, Jones of C. Jones of Limestone, Judge, Kennedy, Kidd, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Mirce, Mitchell of T. Morrisett, Morrison, Mudd, Norman, Perrine, Perry, Phillips, Portis, Roby, Scott of J. Seawell, Speight, Spencer, Steele,

Smith, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

**NAYS**—messrs. Allen of B. Barnett, Bell, Clarke, Cooper, Hill, Johnson, Jones of Benton, Jones of Lawrence, Kimbell, Mitchell of B. Prince, Rose, Scott of M. Smith of L. Snowden and Storrs.

Mr. Jones of Lawrence, moved to postpone the bill indefinitely; which was lost.

The bill was then ordered to a third reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed a bill to be entitled an act for the relief of James Ward, of Henry county; also,

A bill from the House of Representatives, to be entitled an act to compel certain persons therein named, to work on public roads in Blount county, and have amended the same as therein shown; in which they ask the concurrence of your Honorable body.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor this day approved and signed bills of the following titles:

An act to emancipate negro slave William:

An act to prevent the Judge of the County Court and Commissioners of roads and revenue of the county of Covington, from receiving any compensation for services rendered at a Commissioners' Court.

An act to authorize the Commissioners' of roads and revenue of Henry county, to raise a revenue in said county.

An act to amend an act to incorporate the town of Dayton, in Marengo county.

An act to change the name of John Miller, to that of John Perrett, Jr.

An act for the relief of James T. May:

An act for the relief of Brittain McDaniel and Nancy Collins, of Fayette county:

An act for a special term of the Commissioners' Court of roads and revenue for the county of De Kalb:

An act for the relief of George W. Ptomey, and others, in Wilcox county:

An act to amend an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church in Dallas county:

An act relating to the Commissioners' Court of Cherokee county:

An act to attach a part of the Camden beat to the Woodville beat in Jackson county:

An act to fix the compensation of Commissioners of roads and revenue in the counties of Dale and Coffee:

An act in relation to the standard of weights and measures:

An act to require the clerks of Pickens county, to make and keep a reversed index to the several books of their offices:

An act in relation to the county claims of Dale and Coffee counties:

An act authorizing James Deat and others to build a bridge across the Tallapoosa river in Tallapoosa county; and,

An act to impose restrictions on the city Council of the city of Montgomery:

Which originated in the House.

Mr. Norman, from the committee on education, made the following report:

The committee on education, to whom was referred that portion of the Governor's message, which related to the cause of education and the University, and to whom was also referred the annual report of the Trustees of the University, have considered the subjects referred to them, and have instructed me to report, that from the papers submitted to them, it appears that the Trustees paid during the past year, upon the debt due by the University, the sum of nine thousand dollars, and that they will be able during the present year, to pay about the same amount. The committee indulge the hope that by a steady adherence to the prudent and economical policy now pursued by the Trustees of the University, it will in a few years be relieved from the embarrassments heretofore surrounding it. The number of students in attendance during the past year, is one hundred and fourteen, a larger number it is believed than has at any former period been received into the University; this evidencing the increasing confidence of the people in the permanency of the Institution, and the ability of the faculty. The committee with confidence believe that the day is not very distant, when the University of Alabama will fully sustain that high stand which its most sanguine friends have hoped for. Three vacancies in the Board of Trustees will occur during the present year, to wit: in the fifth, sixth and seventh judicial circuits, which the committee recommend to be filled at the present session of the General Assembly. The committee have instructed me to report back to the House the annual report of the Trustees, and recommend that two hundred and sixty six copies be printed for the use of the members of the General Assembly.

Ordered, that the report lie on the table.

Mr. Phillips, from the committee on Federal relations, made the following report:

The committee on Federal Relations, to whom was referred resolutions from the State of Massachusetts, proposing to amend the Federal Constitution by striking out that portion of the third clause, second section, first article, which apportions representatives and direct taxes, by adding to the free white inhabitants—"three-fifths of all other persons;" together with the replies of the States of Kentucky, Maryland and Virginia; also, resolutions of the State of South Carolina, in relation to the agent sent by Massachusetts to reside within her borders, to litigate the right of that State to prevent the ingress of free persons of color—deeply impressed with their serious import, have bestowed on them a calm and solemn consideration, and without division, either in feeling or opinion, have instructed me to recommend the adoption of the following report and resolutions:

It is well known to all, conversant with the history of the Convention, which adopted our present form of Government, that the "three-fifths" rule of representation, gave rise to great debate and agitation in that

body, and for a long while threatened its dissolution. The States represented in that Convention, were sovereign and independent; it was the right of each to determine the conditions on which it would enter into the Federal compact. The slaveholding States believing their interests and their rights required the existing rule of representation, insisted upon its adoption: on the other hand, it was strenuously resisted by a few of the States as unequal and unjust to those who held no slaves; and the clause as it now stands in the Constitution, was finally adopted against the vote of but two States—Massachusetts voting in the majority. The Constitution thus framed, was submitted to the States, and adopted by the people of *each*, and thus became the law of *all*.

The history of this provision of the Constitution therefore, shows that it was incorporated by the Convention as a *solemn stipulation*, and agreed to by the people of each of the thirteen States, in order to consolidate their Union.

The Southern States surely can see nothing in the circumstances which now surround them, to cause their abandonment of a security so strenuously insisted on, when interference with their domestic institutions was merely a subject of philosophical speculation. Now, there exists in some of the States, a faction yearly and rapidly increasing in power (stimulated by influences from abroad, and strengthened by political dissensions at home,) that seeks the total overthrow of the institutions of the South, careless of the means, and regardless of the consequences. Already it controls sixty thousand voters, not the less formidable, because governed by the spirit of a wild fanaticism; already it has shown itself strong enough to fill the Temple of Religion with discord, and divide its altar; already it has entered into the Halls of Congress; and before its potent voice, the Representatives of the people have been driven into the adoption of a rule, which virtually submits the time and deliberation of that body, chosen to represent the interest of the whole Union, to the direction and disposal of those who seek its dissolution.

It is under such circumstances that the State of Massachusetts proposes to pluck from the Constitution its guarantee to the South.

Warned by Virginia that the proposition was regarded as an offer to dissolve the Union, she yet re-asserts it, and has transmitted to this State the following resolution of her Legislature, approved sixteenth March, eighteen hundred and forty-four:

*“Now therefore Resolved,* That the resolves of the Legislature of this Commonwealth do express the deliberate sentiments of the people of Massachusetts; that they do in truth and in good faith propose an amendment to the Constitution of the United States; that so far from containing a proposition virtually to dissolve the Union, THEY ASSERT A PRINCIPLE WHICH IS ESSENTIAL TO ITS STABILITY AND PERMANENCE; and to the assertion and maintenance of which, in every constitutional way, the people of Massachusetts will always hereafter, as they now do, firmly and conscientiously adhere.”

It is a subject of painful reflection that in the very infancy of the Republic, the declaration has been published by the constituted authorities

of a State celebrated for its revolutionary services, and conspicuous for the wealth and intelligence of its citizens, that the solemn stipulations in the Constitution must be violated, and its fundamental law changed of order to give "*stability and permanence*" to the Union.

But the extraordinary course of Massachusetts does not stop here.—As if determined to move on this question from every point, we learn from the Carolina Resolutions heretofore referred to, that Massachusetts—asserting her obligation to protect her citizens—has lately sent an agent to reside in that State, to litigate the validity of those laws, which she (in common with other States of the South) has enacted for the purpose of ensuring domestic tranquillity. Those laws prohibit the ingress of free negroes, and provide for the detention and safe custody of those who may enter her ports until the departure of the vessel in which they arrive.

Laws of a similar character have been enacted in this State, and form a part of our Penal Code, prepared with much care by our Judges, and adopted by this Legislature.

It is against this *domestic police* of the South, founded in the highest State necessity—and having no other end than peace and security—that Massachusetts under the weak plea of defending the rights of her colored population, who choose to enter our territories in defiance of our laws sends her agents into our ports to proclaim amidst *ready listeners*, that we have no legal power to establish guards for the peaceable subjection of one portion of our community and the happiness and safety of the whole.

Upon this subject the committee offer no argument, for if they properly appreciate the sentiments of this Honorable body, it would be regarded as more than superfluous.

The State of South Carolina has the same authority for the enactment of these laws, as she would have—"to provide precautionary measures against the moral pestilence of paupers, vagabonds or convicts,"—or to "guard against the physical pestilence which may arise from a ship, the crew of which may be laboring under an infectious disease." It is a right never to be yielded up until she forfeits her identity as a State "*to exclude from her borders all persons whose admission would endanger her safety and security.*"

*Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That they regard the proposition of Massachusetts to amend the Constitution, and her declaration that this is necessary to the "stability and permanence" of the Union, as a determination that she is both willing and ready to dissolve our political compact.*

*Resolved, That the Federal Constitution resulted from compact between the several States;—that it was founded in compromise of the various interests which distinguished them;—that the question of Representation was adjusted by the Convention upon equitable principles;—and that Alabama will neither relinquish this right on the request of one State, nor at the bidding of any greater number.*



*Resolved*, That the repeal of the twenty-fifth Rule by the present session of Congress, was a weak and truckling submission to the spirit of Fanaticism; and it adds another and important triumph to the Faction, which now fortified in the Halls of legislation, may dispatch its fiery arrows over every section of our confederacy.

*Resolved*, That we sympathize with the patriotic spirit of the Legislature of South Carolina, which so promptly resisted the insolent attempt to disturb her domestic tranquillity.

“The power of slavery belongs to the States respectively”—“it is local in its character and effects,”—“each State has a right to guard its citizens against inconveniences and dangers.” The right to exercise this power by a State *is higher and deeper than the Constitution*. “The evil involves the prosperity and may endanger the existence of a State.” Its power to guard against or to remedy the evil rests upon the law of self-preservation; a law vital to every community and especially to a sovereign State.”

*Resolved*, That the Governor be requested to transmit copies of this report and resolutions to the Governors of the other States of the Union, with a request that they should be laid before their respective Legislatures—and that copies be also forwarded to our delegation in Congress.

The resolutions were adopted unanimously. Yeas 95:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clarke, Clay, Clements, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

The report of the committee was unanimously adopted. Yeas 86:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Davis of Limestone, Dufreese, Fletcher, Gamble, Garrett, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Mudd, Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Watts

of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

Mr. Clemens, from the committee on the judiciary, to whom was referred a bill to authorize the introduction of certified copies of the record of deeds, as evidence in certain cases; reported that it would be inexpedient to pass said bill.

Mr. Martin moved to lay the report on the table.

Mr. Clemens moved to add also the bill.

A division of the question being called, it was first taken on laying the report on the table and carried.

The question then recurred on laying the bill on the table, and was lost.

The question was then taken on ordering the bill to be engrossed for a third reading, and was lost. Yeas 28—Nays 58:

YEAS—messrs. Baugh, Clarke, Cook, Cooper, Davis of F Inge, Jemison, Johnson, Jones of C. Judge, Kennedy, Kidd, Kittrell, Lea, Martin, Mason, Meriwether, Miree, Mitchell of T. Prince, Scott of J. Smith of M. Speight, Spencer, Stith, Storrs, Treadwell, and Woodward.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Beck, Bowdon, Brandon, Chandler, Clemens, Cook, Croom, Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jones of Benton, Jones of Blount, Jones of F. Jones of Lawrence, Jones of Limestone, Kimbell, King, Landsdale, Maples, McClung, Merrick, Mitchell of B. Morrisett, Morrison, Mudd, Norman, Perrine, Perry, Phillips, Portis, Roby, Rose, Scott of M. Smith of L. Snowden, Steele, Walker, Watts of D. Webb, Williams of M. Winston and Young.

Mr. Jackson, from the committee on propositions and grievances, to which was referred the account of Benjamin A. Philpott, of Morgan county, reported,

A bill to compensate Benjamin A. Philpott, of Morgan county, for certain services; which was read the first, second and third times, and passed.

Mr. Cooper moved to reconsider the vote taken yesterday on the resolution proposing to hold night sessions; which was lost.

Mr. Steele, from the committee on agriculture, to which was referred the bill for the relief of the poor, reported it back to the House without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Baugh, from the select committee, to which was referred the petition of Wm. W. Garrard, made the following report:

The committee to which was referred the petition of Wm. W. Garrard, ask leave to submit the following report:

The petition shows that on May twenty-first, eighteen hundred and thirty-six, said Wm. W. Garrard, who was then Brigadier General of the second Brigade of Alabama Militia, received orders of Major Gen-

eral Benjamin Patterson, then commanding the first division of Alabama militia, which orders were issued in pursuance of orders from Clement C. Clay, then Governor of said State, requiring him to furnish from his Brigade two companies of mounted Infantry Volunteers, if such should tender their services, and if not, then to make out the necessary number by draft. Such companies to consist each of one captain, one lieutenant, one ensign, four sergeants, four corporals and one bugler, and sixty four privates; and have them rendezvous at Montgomery, to act against the Creek Indians, then engaged in hostilities against our citizens.

In pursuance to their order the petitioner procured the requisite number of volunteers, many of whom were however without horses. Believing however, that his orders requiring mounted men, (and knowing that horses could not be drafted) not only authorized but made it the duty of said petitioner, to provide horses for the soldiers; and believing that the urgency of the case required it, he immediately purchased twenty-five horses and the equipage, for which he paid, or agreed to pay the sum of two thousand one hundred and fifty dollars and seventy five cents. The petitioner also states, that he requested the commanders of companies to take charge of the horses and other public property. That he also forwarded to head quarters, to His Excellency Governor Clay and to Major General Patterson a full and complete list of said horses and equipage, together with the names of the persons having the same. That notwithstanding all this, no care had been taken of said property, and that many of the soldiers (without the knowledge or consent of the petitioner) sold and converted to their own use, the horses and equipage so held. The petitioner states however, that he was enabled to find and retain several of the horses which he sold at public auction for six hundred and thirty-three dollars, which leaves a balance due petitioner of one thousand four hundred and seventeen dollars and seventy-five cents. The committee believing that the orders given to petitioner by Major General Patterson, gave (impliedly) the power to provide horses and equipage, if the same could not be otherwise obtained; and that the petitioner has both a legal and equitable claim upon the State of Alabama for indemnity, have instructed me to report the following bill and recommend its passage:

Mr. Baugh, with the report, introduced a bill for the relief of sundry persons therein named; which was read the first and second times:

Mr. Baugh moved to refer the bill to a select committee.

Mr. Williams of M. announced the death of his colleague, R. C. BUNTING Esq., and thereupon the House adjourned until to-morrow morning, half past nine o'clock.

JANUARY 7, 1845.

The House met pursuant to adjournment.

Mr. Williams of M. offered the following preamble and resolutions:

The members of this House have learned with deep regret, the death of the Hon. RICHARD C. BUNTING, a Representative from the county of Montgomery.

In the death of this gentleman, we have to mourn the loss of one who by his kind and manly deportment, won upon our hearts, and secured for him our highest respect and esteem.

On Friday he was with us, discharging his duty to his constituents with fidelity, but four days afterwards he was cut down, and the place which knew him then, will know him no more forever. Thus, in the midst of life we are in death.

We mourn his loss, and deeply sympathise with his sorrowing children and relatives in this sad calamity. Therefore,

*Resolved*, That the members and officers of this House wear the usual badge of mourning for thirty days.

*Resolved*, That a committee of five be appointed by the chair, to act with a committee from the Senate, in making suitable arrangements for the funeral and burial of our honored friend and associate.

*Resolved*, That the Speaker of this House be requested to furnish the relations of the deceased with a copy of these resolutions.

*Resolved*, That His Excellency the Governor, and the Judges of the Supreme Court, be invited to unite with us in doing the funeral honors to the remains of our lamented associate.

The preamble and resolutions were unanimously adopted, and under the second resolution messrs. McClung, Kidd, Walker, Lea and Winston were appointed the committee on the part of the House.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has appointed messrs. Dougherty, Creagh, Gilchrist, Winston and Norris a committee on the part of the Senate, to act with a like committee on the part of the House, to make the necessary arrangements for the funeral services of the Hon. R. C. BUNTING, late a Representative from the county of Montgomery.

The House adjourned until half past two o'clock, P. M.

AFTERNOON SESSION, January 8, 1845.

House met pursuant to adjournment.

Mr. McClung, from the committee appointed on the part of the House to act with the committee on the part of the Senate, to make the necessary funeral arrangements for the burial of the Hon. R. C. BUNTING, late a Representative from the county of Montgomery, reported, that the preparatory arrangements had been made.

And the House adjourned.

JANUARY 9, 1845.

House met pursuant to adjournment.

A call of the House being made, the following members answered to their names.

Messrs. Aldridge, Alexander, Allen of B. Allen of R. Baugh, Bell, Brandon, Chandler, Clarke, Clemens, Cobb, Cook, Cooper, Croom, Davis of F. Dufreese, Edwards, Fletcher, Grady, Griffin, Hall, Harris, Hays, Jackson, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kennedy, Kidd, Kimbell, Kittrell, Lansdale, Meriwether, Mizee, Mitchell of B. Mudd, Patton, Perrine, Perry, Phillips, Prince Roby, Rose, Scott of M. Seawell, Snowden, Speight, Spencer, Steele, Treadwell, Walker, Watts of D. Webb, Winston and Young.

Mr. Speaker laid before the House the report of the Cashier of the Huntsville Bank shewing the condition of the sixteenth section fund; which was referred to the committee on the sixteenth section fund.

Mr. Speaker also laid before the House the annual report of the commissioners of the Cahawba navigation company; which was referred to the committee on internal improvement.

Mr. Stith presented the petition of Robert R. Hunt; which was referred to the committee on propositions and grievances.

Mr. Young introduced a bill to repeal an act therein named; which was read the first, second and third times and passed.

Mr. Rose introduced a bill for the relief of Wm. Adkins; which was read the first time, and ordered to a second reading.

Mr. Kittrell introduced a bill to change the corporate limits of the town of Greensboro, in the county of Greene; which was read the first second times; and referred to the committee on corporations.

Mr. Jones of Lawrence introduced a bill to legalize certain sales therein named; which was read the first and second times, and referred to the committee on the judiciary.

Mr. Seawell introduced a bill for the relief of the Creole population of the State of Alabama; which was read the first and second times, and referred to a select committee composed of the delegation from Mobile and Baldwin.

Mr. Chandler introduced a bill to regulate the protesting of bills of exchange and promissory notes in this State; which was read the first time and ordered to second reading.

Mr. Howard presented the account of G. W. Megginson and S. C. Stramler; which was referred to the committee on accounts.

Mr. Allen of R. introduced a bill to change the time of holding certain courts therein named in the ninth judicial circuit, and for other purposes; which was read the first, second and third times, and passed.

Mr. Woodward presented the petition of sundry citizens of Sumter county, on the subject of the sixteenth section of township twenty-one,

range two, west; which was referred to the committee on the sixteenth section fund.

Mr. Inge introduced a bill to amend an act to incorporate the town of Warsaw, in Sumter county; which was read the first time and ordered to a second reading.

Mr. Martin presented the account of James H. Owen; which was referred to the committee on accounts.

Mr. Watts of B. introduced a bill to incorporate the Greenville Academy, in the county of Butler; which was read the first, second and third times, and passed.

Mr. Cooper introduced a bill to change the time of holding the Circuit Courts of Cherokee and Butler counties; which was referred to the delegation from Benton.

Mr. Phillips introduced a bill to prevent the removal of property bound by liens; which was read the first and second times, and referred to the committee on the judiciary.

Mr. Treadwell introduced a bill to prevent the poisoning of fish in the water courses running through the counties of Barbour and Pike, and for other purposes; which was read the first and second times, and referred to the delegation from Barbour and Pike.

The House resumed the consideration of the bill to alter and amend the Chancery system of this State, the question pending on the amendment offered by Mr. Smith of M.

Mr. Walker moved to lay the amendment, and the amendment to the amendment on the table; which was carried.

Mr. Williams of M. moved to amend by way of substitute.

The hour of twelve having arrived, the House resolved itself into a committee of the whole on the special order, it being the bill to extend the charter of the Bank of the State of Alabama, and to limit the powers of the President and Directors, (Mr. Lea in the chair,) and after some time spent in deliberation, the committee rose, Mr. Lea as chairman, reported the action of the committee, and asked leave to sit again this afternoon at three o'clock.

Ordered, that leave be granted as desired.

And the House adjourned.

#### AFTERNOON SESSION, January 9th, 1845.

House met and resolved itself into committee of the whole on the bill to extend the charter of the Bank of the State of Alabama, and to limit the powers of the President and Directors thereof, and after much time spent in discussion the committee rose, Mr. Lea as chairman, reported the action of the committee, and asked leave to sit again tomorrow, at ten o'clock.

Ordered that leave be granted.

Mr. Bell, from the committee on enrolled bills, reported as correctly enrolled:

An act for the relief of the creditors of Peter Buckhart:

An act for the support of paupers in the county of Talladega:

An act authorizing the formation of two captains companies in the county of Blount:

An act to enable the Judge of the County Court and Commissioners of Roads and Revenue for the county of Franklin, to sell certain lands therein specified and for other purposes:

And the House adjourned.

#### NIGHT SESSION, January 9th, 1845.

The House met and proceeded to the consideration of bills on their third reading.

The engrossed bill to authorize the establishment of a Medical College at Wetumpka, was read the third time, when

Mr. Hill moved to amend as follows:

*“ And be it further enacted, that the provisions in the foregoing sections of this act shall not be so construed as to make the tenth section of the act in relation to physicians, on page four hundred and eighty-eight, Clay’s Digest, applicable to graduates of this institution;”* which was lost and the bill passed.

The engrossed bill to locate permanently the county site of Coffee county and for other purposes, was read the third time and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to authorize the Governor to require the agent of the State to take possession of the salt reserve lands in Clarke county, and to allow compensation to said agent; also,

An act to amend an act to authorize the tax collector of Covington county, to receive jury certificates only in payment of county taxes, approved seventeenth January, eighteen hundred and forty-four, and for other purposes:

The engrossed bill to regulate the pay of petit jurors in the county of Benton, was read the third time, and passed.

The engrossed bill for the benefit of Elizabeth Tier, was read the third time, and passed.

The engrossed bill to regulate the pay of jurors in Butler county, was read the third time, and passed.

The engrossed bill to amend an act to incorporate the Howard College in Marion, Perry county, was read the third time and passed.

The engrossed bill to permit the Jackson County Guards to remain a body corporate with a less number of privates than forty, and for other purposes, was read the third time and passed.

The engrossed bill authorizing the rescission of a contract of a sale of a part of a certain sixteenth section in Russell county, was read the third time, when

Mr. Clemens moved to lay the bill on the table, and was carried.

The engrossed bill for the relief of Philip Phillips, was read the third time and passed. Yeas 65—Nays 20:

YEAS—messrs. Speaker, Alexander, Allen of B. Allen of R. Baker, Baugh, Bell, Bowden, Brandon, Chandler, Clarke, Clemens, Cook, Cooper, Croom, DuFreese, Garrett, Grady, Griffin, Hall, Harris, Hill, Hobdy, Howard, Inge, Jackson, Jamison, Johnson, Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, Kirtell, Landsdale, Lea, Martin, Mason, McClung, Meriwether, Mince, Mitchell of T. Morrisett, Morrison, Mudd, Patton, Perrine, Portis, Prince, Rose, Seale, Seawell, Smith of M. Snowden, Speight, Steele, Stith, Sterrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of M. and Winston.

NAYS—messrs. Aldridge, Barnett, Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Hays, Jones of Benton, Jones of Blount, Jones of C. Kennedy, King, Maples, Merriek, Perry, Roby, Smith of L. and Young.

The engrossed bill to divorce certain persons therein named was read the third time.

Mr. Lea moved to amend as follows:

“And that James Pearson, be divorced from his wife Sarah Pearson, in pursuance of a decree made by the Court of Chancery, in the county of Tallapoosa:” which was adopted and the bill passed.

Mr. Jones of Benton, from the committee on enrolled bills, reported as correctly enrolled:

An act to require the Sheriff of Butler county, to reside within one mile of the Court House of said county:

An act for the relief of Alley C. James and her heirs:

An act for the relief of Mary Jackson Arrington, of the county of Sumter:

An act for the relief of Catherine Kehoe, of Mobile county:

The engrossed bill to divorce certain persons therein named, was read the third time and passed.

The engrossed bill for the relief of the estate of Raymond Burroughs, deceased, was read the third time, and passed.

The engrossed bill for the relief of Achsah Hogg, was read the third time and passed.

The engrossed bill to compensate the Commissioners of Roads and Revenue for the county of Macon, was read the third time and passed.

The engrossed bill for the final adjustment of the difficulties which exist amongst the citizens of Cherokee upon the subject of the permanent location of the county site of said county, was read the third time.

Mr. Clemens moved to postpone the bill indefinitely, which was lost. Yeas 40—Nays 41

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Bragg,



don, Chandler, Clemens, Cobb, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Griffin, Hays, Hill, Hobdy, Jackson, Jones of Blount, Jones of C. Jones, of Lawrence, Kennedy, Lansdale, Lea, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of T. Phillips, Rose, Seawell, Smith of L. Speight, Walker, Webb and Winston.

NAYS---messrs. Alexander, Baker, Barnett, Baugh, Bell, Clarke, Cook, Cooper, Croom, Grady, Hall, Harris, Howard, Inge, Jemison, Johnson, Jones of Benton, Jones of Limestone, Judge, Kidd, King, Kuttrell, Mason, Morrisett, Morrison, Mudd, Perry, Perrine, Portis, Prince, Roby, Scott of M. Steele, Stith, Storrs, Treadwell, Watts of B. Watts of D. Williams of M. and Young.

Mr. Allen of R. moved to amend as follows:

*“Provided nevertheless, that where such election is held, it shall require a majority of forty five votes to move the Court House from the center, where it now is located by law, and said election shall be final.”*

Mr. Aldridge moved to lay the amendment on the table, which was carried.

The House refused to pass the bill. Yeas 39—Nays 41:

YEAS---messrs. Alexander, Baker, Barnett, Bell, Clarke, Cook, Cooper, Croom, Grady, Hall, Harris, Hobdy, Howard, Inge, Jemison, Johnson, Jones of Ben. Jones of Limestone, Judge, Kidd, King, Kuttrell, Mason, Morrisett, Morrison, Mudd, Patton, Perrine, Portis, Prince, Roby, Scott of Mr. Steele, Stith, Storrs, Watts of B. Watts of D. Williams of M. and Young.

NAYS---messrs. Speaker, Aldridge, Allen of B. Allen of R. Baugh, Brandon, Chandler, Clemens, Cobb, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Griffin, Hays, Hill, Jackson, Jones of Blount, Jones of C. Jones of Law, Kennedy, Lansdale, Lea, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of T. Phillips, Rose, Seawell, Smith of L. Speight, Treadwell, Walker, Webb, and Winston.

The engrossed bill to provide a revenue for the county of Conecuh, was read a third time and passed.

The engrossed bill to incorporate the Franklin Academy, in the county of Russell, was read the third time and passed.

The bill from the Senate, to attach a part of township nineteen range five, east, in the county of Greene, to the county of Perry, was read the third time.

Mr. Lea moved to postpone the further consideration of the bill until to-morrow at seven o'clock P. M. and make it the special order for that hour; which was carried.

The engrossed bill to authorize James M. Vaughan, executor of the estate of Benjamin Metcalf, deceased, to sell the real estate belonging to the estate of said executor's testator, was read the third time and passed.

The engrossed bill to authorize the Courts of Roads and Revenue of Butler county, to lay a county tax, was read the third time and passed.

The engrossed bill for the relief of John Garner, was read the third time and passed.

The engrossed bill to amend an act entitled an act to incorporate Uniontown, in the county of Perry, was read the third time and passed.

The engrossed bill to incorporate the Bay Minette Manufacturing company, was read the third time, and passed.

The engrossed bill to legalize a certain marriage therein named, was read the third time, and passed.

The engrossed bill to divorce certain persons therein named, was read the third time, and passed.

The engrossed bill to incorporate the town of Carrollton, in the county of Pickens, was read the third time.

Mr. Stith moved to lay the bill on the table.

The bill was pronounced out of order under the rule.

The engrossed bill to permit the taking of testimony by deposition in the counties of Clarke, Monroe and Washington, and reciprocally in the county and city of Mobile, was read the third time and passed.

The engrossed bill to divide the forty eight regiment Alabama militia, was read the third time and passed.

The engrossed bill to declare Drucilla Roberts, of Fayette county, a free dealer; was read the third time.

Mr. Cooper moved to amend by engrossed rider, as follows:

*And be it further enacted,* That the said Drucilla Roberts shall have the full and entire possession of her children, free from the control of her said husband.

The House adjourned.

JANUARY 10, 1845.

House met pursuant to adjournment.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill to be entitled an act, for the benefit of Elizabeth H. Thorpe

A bill to be entitled an act, authorizing the Judge of the Court of Jackson county and Commissioners of roads and revenue, to perform certain duties therein named;

A bill to be entitled an act, to incorporate the Girard Rail Road Company;

A bill to be entitled an act, for the better organization of so much of the fourth division Alabama militia, as lies within the city of Mobile;

A bill to be entitled an act, to compensate the President of the State Bank for extra services:

A bill to be entitled an act, for the relief of Elizabeth Oats, of Henry county:

A bill to be entitled an act, to enable John L. Townes, guardian of the minor heirs of Joseph Compton deceased, late of the county of Franklin, to purchase lands for the use and benefit of said minor heirs:

A bill to be entitled an act, to authorize Edward Cunningham to be and remain in the State of Alabama:

A bill to be entitled an act, to amend the several laws now in force, incorporating the town of Demopolis, in Marengo county: also,

Joint resolutions from the House of Representatives, proposing amendments to the constitution, amended as therein shown:

In all of which the concurrence of your honorable body is respectfully asked.

The Senate recedes from their amendment to the bill to be entitled an act, to exempt certain property from execution:

Also, from the amendment to the bill to be entitled an act, for the benefit of Mrs. Casey Sneed, of Limestone county.

Mr. Steele introduced a bill to authorize Wm H Tarrance to establish a ferry across the Alabama river, and for other purposes; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Cook, from the committee on enrolled bills, reported as correctly enrolled.

An act to create an additional company beat in the county of St. Clair:

An act to establish a Medical Board at the Town of Suggsville, in Clarke county: also.

An act to confirm the emancipation of certain persons therein named.

Mr. Merrick introduced a bill to authorize Edmund Wiggins to erect a toll bridge over Pea river, in Coffee county, at Geneva; which was read the first and second times and ordered to be engrossed for a third reading.

Mr. Davis of F. introduced a bill to be entitled an act, to legalize a certain marriage therein named; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Croom introduced a bill to alter the time of holding elections &c.; which was read the first and second times, and referred to a select committee composed of one member from each circuit.

Mr. Judge introduced a bill for the relief of Robert Parker and Benjamin Harrison; which was read the first and second times.

The hour of ten having arrived, the House resolved itself into committee of the whole on the bill to extend the charter of the Bank of the State of Alabama, and to limit the powers of the President and

Directors thereof, and after much time spent in discussion the committee rose.

Mr. Lea as chairman reported the action of the committee, and asked leave to sit again this afternoon at three o'clock.

Ordered, that leave be granted as desired.

The House adjourned.

#### AFTERNOON SESSION, January 10, 1845.

House met and resolved itself into committee of the whole, on the bill to extend the charter of the Bank of the State of Alabama, and to limit the powers of the President and Directors thereof and after much time spent in discussion the committee rose.

Mr. Lea as chairman, reported the action of the committee, and asked leave to set again to-morrow, at eleven o'clock.

Ordered, that the committee have leave as desired.

Mr. Phillips, from the select committee, to whom was referred the bill from the Senate, to enable the Branch Bank at Mobile to redeem the land of John B. Hogan, reported the same to the House and recommended its passage.

The bill was ordered to a third reading.

And the House adjourned.

#### NIGHT SESSION, January 10, 1845.

House met and proceeded to the consideration of the special order it being the bill to attach a part of township nineteen, range five, east in the county of Greene to the county of Perry—the question pending on the passage of the bill, and after much discussion thereon,

Mr. Walker moved to suspend the further consideration of the bill that he might call from among the orders of the day the bill to abolish certain offices therein named; which was carried.

The bill was read the second and third times, and passed.

The House adjourned.

#### JANUARY 11, 1845.

House met pursuant to adjournment.

Mr. Winston, from the committee on privileges and elections, to which have been referred petitions and bills, praying for establishing certain election precincts, reported a bill and recommended its passage.

The bill was read the first and second times:

Mr. Davis of F. moved to amend by adding, "at the House of Wm Clifford, in Fayette county;" which was carried.

Mr. Young moved to amend as follows:

*And be it further enacted*, also the following precincts heretofore established in the county of Benton be abolished, and establish others in lieu thereof, as follows:

The precinct heretofore established at Sugar Hill be abolished, and one established in lieu thereof at the place of holding court, in Captain Dufrees beat, in said county:

Also, the precinct heretofore established at Cunningham's be abolished, and one established in lieu thereof, at the place of holding court in Captain Spencer's beat, in said county:

Also, the precinct heretofore established at Ladiga be abolished, and one established in lieu thereof at Cross Plains, in said county:

Which was adopted.

The bill was then read the third time, and passed.

Mr. Jackson, from the committee on propositions and grievances, to which was referred the account of S. S. Houston, Jailer of Washington county, reported it back to the House, and asked to be discharged.

Ordered, that the committee be discharged.

Mr. Jackson, from the same committee, to which was referred a bill to regulate the pay of jurors serving in Magistrate's Courts, reported the bill and amendment back to the House, and recommended its passage.

The amendment was adopted.

The bill was read the third time, and passed.

Mr. Prince, from the committee on county boundaries, to whom was referred a bill to be entitled an act for the relief of Levi Freeman, reported it back, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Randolph county, praying for the passage of a law to give certain relief to Drury S. Allen; reported the bill, and recommended its passage.

The bill was read the first time and ordered to a second reading.

Mr. Jackson, from the same committee, to whom was referred the petition of sundry citizens of Mobile county, praying for the emancipation of a certain slave therein named; reported a bill and recommended its passage.

The bill was read the first time and ordered to a second reading.

Mr. Prince, from the committee on county boundaries, to whom was referred the petition to attach a part of Blount to St. Clair county, reported it inexpedient.

The report was concurred in.

Mr. Prince, from the same committee, to whom was referred the petition of Jacob Merrill, reported it inexpedient to grant the prayer of the petitioner.

The report was concurred in.

Mr. McClung presented a report of a meeting of the citizens of Ma-

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dison county, in regard to the Banks; which was read and laid on the table.

Mr. Smith of M. from the select committee, composed of the delegation from Marengo county, to whom was referred the bill to provide for the more permanent location of the seat of Justice in said county; reported the same back to the House amended, and recommended its passage.

The amendments were concurred in, and the bill read a third time and passed.

Mr. Clay introduced a bill to compel sheriffs and coroners to perform their official duties; which was read the first and second times.

Mr. Stith moved to amend as follows:

*“And be it further enacted, That this act shall not take effect until the first day of May next;”* which was lost.

Mr. Dunn moved to amend as follows:

*“And be it further enacted, That such sheriff or his securities shall have three days notice of said suggestion;”* which was adopted. Yeas 43—Nays 34.

YEAS—messrs. Bowdon, Brandon, Chandler, Clarke, Clay, Cobb, Cook, Davis of F. Dunn, Edwards, Gamble, Howard, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Judge, King, Kittell, Lea, Maples, Martin, McClung, Morrison, Mudd, Norman, Patton, Perrine, Perry, Portis, Roby, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Spencer, Treadwell, Watkes, Watts of D. Webb, Williams of M. Winston, Woodward and Young.

NAYS—messrs. Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Croom, Davis of L. Duttrase, Fletcher, Gwin, Grady, Griffin, Hall, Hays, Hill, Jenson, Johnson, Jones of Benton, Jones of Limestone, Kennedy, Lansdale, Mason, Memwether, Merrick, Miree, Morrison, Prince, Scott of M. Speight, Stith and Williams of J.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act for the relief of the creditors of Peter Buckhart;

An act authorizing the formation of two Captain's companies in the county of Blount;

An act to amend the road laws in the counties of Greene and Marengo;

An act for the support of paupers in the county of Talladega;

An act to enable the Judge of the County Court and Commissioners of roads and revenue for the county of Franklin, to sell lands therein specified and for other purposes;

An act for the relief of Alley C. James and her heirs.

An act for the relief of James Lacy and Hetty Lowe, of Fayette county;

An act for the relief of Mary Jackson Arrington, of Sumter county;

An act for the relief of Catharine Kehoe, of Mobile county;

An act to confirm the emancipation of certain persons therein named:

An act to establish a Medical Board in the town of Suggsville, in the county of Clarke:

An act to require the sheriff of Butler county to reside within one mile of the court house of said county:

An act to establish a military beat with a less number of privates than forty; and

An act to create an additional company beat in the county of St. Clair:

Which originated in this House.

Mr. Clay introduced a bill to be entitled an act concerning divorces; which was read the first and second times, and referred to the committee on the judiciary.

Mr. Howard, from the select committee, to whom was referred the bill to change the mode of assessing taxes in the county of Monroe, reported a substitute in lieu of the original bill, and recommended its passage.

The House refused to pass the bill. Yeas 37—Nays 49:

YEAS—messrs. Speaker, Albridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bowdon, Chaudler, Clemens, Cobb, Davis of R. Davis of L. Dufrese, Fletcher, Garrett, Griffin, Hays, Jones of C. Jones of Lawrence, Lee, Myles, McClung, Menweher, Merrick, Mirce, Morrisett, Morrison, Norman, Perry, Phillips, Potts, Roby, Smith of M. Spencer, Steele and Walker.

NAYS—messrs. Baker, Banett, Brandon, Clarke, Clay, Cook, Cooper, Croom, Duan, Gumble, Gwin, Grady, Hall, Harris, Hill, Hobdy, Howard, Inge, Jemiser, Johnson, Jones of Benton, Jones of F. Jones of Limestone, Juge, Kennedy, Kimbell, King, Kuttrell, Lansdale, Martin, Mason, Mitchell of B. Mudd, Patton, Perrine, Prince, Scott of M. Smith of L. Snowden, Speight, Storrs, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston and Woodward.

A message from the Senate, by Mr. Marrest:

Mr. Speaker—The Senate has refused to pass the bill from the House of Representatives, to change the time of holding the County Court of Pickens county, from the fourth Monday in January, to the first Monday in March.

The House resumed the consideration of the bill to settle the affairs of the several Branch Banks in this State.

The question pending on the amendment offered by Mr. Clay, and after some time spent in discussing said amendment:

The House adjourned.

JANUARY 13th, 1845.

The House met pursuant to adjournment.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, in which they ask the concurrence of the House of Representatives.

A bill to be entitled an act to regulate the collection of Bank debts:

A bill to be entitled an act to authorize a sale of a portion of Lafayette street, in the town of Lafayette, in Chambers county:

A bill to be entitled an act to change the time of holding the Circuit Courts of Limestone county:

A bill to be entitled an act for the relief of Louisa Sharpe, of Macon county; and

A bill to be entitled an act to amend the road laws.

Mr. Jackson. introduced a bill to compensate the Commissioners of the Branch Bank of the State of Alabama at Mobile; which was read the first time and ordered to a second reading.

The House resumed the consideration of the bill for the relief of Robert Parker and Benjamin Harrison.

The bill was ordered to be engrossed for a third reading.

Mr. Judge introduced a bill for the relief of Ann D. Iby, of Lowndes county; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Judge introduced a bill to authorize the rescission of a sixteenth section contract, in the county of Lowndes; which was read the first, and second times, and referred to the judiciary committee.

Mr. Brandon presented the account of Joseph S. Clark; which was referred to the committee on accounts.

Mr. Kennedy introduced a bill to raise a revenue for the county of Marion; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Lea introduced a bill to change the time of holding the Commissioners Court of Roads and Revenue in Perry county, and for other purposes; which was read the first, second and third times, and passed.

Mr. Edwards introduced a bill to repeal the charter of the town of Ashville, in St. Clair county; which was read the first, second and third time, and passed.

Mr. Martin presented the account of James H. Owen; which was referred to the committee on accounts.

Mr. Meriwether introduced a bill to permit the captain's company in beat number four, eighteenth regiment, Alabama militia, to remain a company until a less number of privates than forty; which was read a first, second and third times and passed.

Mr. Walker presented the petition of Edward G. Musgrove and wife Hacket; which was referred to the committee on propositions and grievances.



Mr. Prince introduced a bill authorizing foreign corporations to deal in bills of exchange in this State; which was read the first time, and ordered to a second reading.

Mr. Scott of J. from the committee on accounts, to whom was referred two accounts of Wiley White, Sheriff of Pike county, reported them back to the House as not being authenticated as the law directs.

The report was laid on the table.

Mr. Scott of J. from the same committee, to whom was referred the accounts of Jonathan Kemp, of Jackson county, and William Young of Fayette county, reported them back to the House as not being a State charge, and asked to be discharged from their further consideration; which was concurred in, and the committee discharged.

Mr. Scott, of J. from the same committee, to whom was referred two accounts of M. H. Bonham, Sheriff of Wilcox county, reported the same back to the House as not being authenticated.

The report was laid on the table.

The House resumed the consideration of the bill to change the mode of assessing taxes in certain counties therein named, the question pending on the adoption of the substitute reported by the committee.

Mr. Jones of Blount, moved to amend by adding "the county of Blount," which was carried.

Mr. Judge moved to amend by adding "Lowndes," which was carried.

Mr. Winston moved to amend by adding "De Kalb," which was carried.

Mr. Dufreese moved to amend by adding "Bibb" which was carried.

Mr. Hays moved to amend by adding "Marshall," which was carried.

Mr. Jones of Lawrence moved to amend by adding "Lawrence," which was carried.

Mr. Speight moved to amend by adding "Henry and Walker," which was carried.

Mr. Fletcher moved to amend by adding "Dale and Coffee," which was carried.

The substitute as amended was adopted, and the bill ordered to be engrossed for a third reading.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed a bill to be entitled an act to change the time of holding the County Court of Washington and Macon counties, in which the concurrence of the House is respectfully asked.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has adopted the following resolution:

"Resolved by the Senate, that the Secretary be instructed to proceed forthwith to the House of Representatives, and request that a bill to

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change the time of holding the winter term of the County Court of Pickens county, he returned to the Senate."

The bill was ordered to be returned to the Senate.

The bill from the Senate to change the time of holding the County Courts of Washington and Macon counties, was read the first, second and third times, and passed.

Mr. Jenison, from the joint examining committee, on the State Bank and Branches, made the following report:

The joint examining committee appointed to examine the condition of the debts due from the several counties in this State, to the Bank of the State of Alabama and its Branches, and to classify the same into "good," "bad," "doubtful" and "unknown," have performed the duties assigned them, and instructed me to report to the House of Representatives:

That the committee commenced their labors by causing the Representatives of the several counties to attend at Bank, and mark the indebtedness of their respective counties to the said Bank and Branches, and classify the same into good, bad, doubtful and unknown. Your committee believe the classification has been performed with great care and accuracy.

The amount of debts due the Banks are classed, as follows, viz:

**GOOD**—Six million, seven hundred and fifty five thousand, one hundred and three dollars and twenty seven cents.

**DOUBTFUL**—One million, nineteen thousand, three hundred and ninety-five dollars and eighteen cents.

**BAD**—Six millions, one hundred and seventy nine thousand, six hundred and eighty dollars and twenty-seven cents.

**UNKNOWN**—Six hundred and thirty two thousand, seven hundred and ninety two dollars and forty-eight cents.

Making the grand total of indebtedness due the Banks, fourteen millions, five hundred and eighty six thousand, nine hundred and seventy-one dollars and twenty cents.

Your committee feel assured that this classification gives as accurate a statement as could be expected under the circumstances—yet from their knowledge of the debts classed "bad," "doubtful," and "unknown," they believe a considerable amount of it could be collected, providing a more efficient mode of collection could be adopted—either by giving the directors more discretion over that class of indebtedness, or by appointing competent agents to collect the same. There is good reason to believe that many of the debtors classed bad, doubtful and unknown, are not insolvent in point of fact, but in various ways have eluded the payment of their debts.

Your committee have had a condensed statement made out, showing the amount of each class of debts due from each county, and to each Bank, and the amount due to all the Banks; which is herewith respectfully submitted to the House of Representatives, with a recommendation to have one hundred copies of the report and condensed statement printed in pamphlet form, for the use of the House of Representatives.

Ordered, that the report be laid on the table, and that one hundred and thirty-three copies of the report, and one thousand copies of the tabular statement be printed for the use of the House.

The House then took up the bill to apportion the Representatives among the several counties in this State, and to divide the State into Senatorial Districts.

Mr. Judge moved to lay the bill on the table; which was lost, and

The bill was then read the third time, and passed. Yeas 61—Nays 30:

YEAS—messrs. Speaker, Alexander, Baker, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Davis of F. Davis of L. Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hays, Hill, Hobdy, Jackson, Jemison, Jones of Benton, Jones of C. Jones of F. Jones of Limestone, Lansdale, Lea, Maples, McClung, Meriwether, Merrick, Miree, Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Snowden, Speight, Spencer, Stith, Storrs, Treadwell, Walker, Watts of B. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Aldridge, Allen of B. Allen of R. Barnett, Clarke, Cook, Cooper, Croom, Dufreese, Dunn, Hall, Harris, Howard, Johnson, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Martin, Mason, Mitchell of B. Morrisett, Morrison, Perrine, Prince, Scott of M. Smith of M. and Watts of D.

Mr. Portis, from the committee on the sixteenth section fund, to whom was referred the bill to authorize commissioners of the sixteen sections to qualify officers to hold elections to elect trustees for the several townships in this State, and for other purposes, reported that no legislation was necessary upon the subject.

The report and bill were laid upon the table.

Mr. Garrett, from the select committee, to whom was referred the petition of sundry citizens of Cherokee county, praying the Legislature to pass an act authorizing the election of County Surveyor by the legal qualified voters of said county, reported a bill and recommended its passage.

The bill was read the first, second and third times, and passed.

Mr. Lea, from the select committee, to whom was referred the bill to change the time of holding the Circuit Courts of Perry county, reported a substitute and recommended its passage.

The substitute was adopted.

The bill read the third time, and passed.

Mr. Allen of R. from the special committee, to whom was referred the resolution instructing them to inquire into the expediency of passing an act authorizing the Governor to employ a suitable Engineer to examine the Tallapoosa river and report whether or not it be a navigable stream, and if so, to what extent, and what improvements on said river are practicable, and at what cost, reported a bill and recommended its passage.

The bill was read the first time, and lost.

The hour of twelve having arrived, the House resumed the consideration of the bill to settle the affairs of the several Branch Banks in this State—the question pending on the amendment offered by Mr. Clay.

Mr. Clay withdrew his amendment.

Mr. Chandler moved to amend as follows:

Strike out the first section and insert,

“That the Legislature shall elect a President and two Directors for the Bank of the State of Alabama and each of the Branch Banks, from five persons to be nominated by the Governor for each Bank, who shall hold their offices for the term of one year, and shall respectively take charge of the assets of the said Bank and Branch Banks, and proceed to adjust and close the business thereof as is hereafter provided. But before the said President and Directors shall take charge of the assets of said Banks, they shall respectively enter into bond with good and sufficient security, payable to the Governor and his successors in office, in the sum of \_\_\_\_\_ dollars, conditioned faithfully to perform the duties of their office. Said bonds shall be approved by a Judge of the Circuit Court or Supreme Court of the State, and be recorded in the office of the County Court where the Bank is situated, and the original shall be filed with the Secretary of State, and a copy of the same duly certified, shall be admitted as evidence in any court in this State in place of the original; and if any vacancy occur in any of the Boards of President and Directors during the recess of the Legislature, the same shall be filled as is now provided by law.”

Mr. Croom moved to amend the amendment as follows:

“That the Governor of the State be authorized and required to appoint two competent agents, whose duty it shall be to take charge of the debts and effects of every kind of the Bank of the State of Alabama, the Branch Bank at Mobile, the Branch Bank at Montgomery, the Branch Bank at Huntsville, and the Branch Bank at Decatur; to contract with them for the services they are to perform, and to exact from them such bonds as he may deem fit, for the faithful performance of their duty. That the persons so appointed will have power to sue out process, to maintain suits, and to do and perform all that may be requisite for the liquidation and final settlement of said Bank and Branch Banks; that they shall have all the powers conferred on and exercised by the President, Directors or Cashier of the said State Bank and Branch Banks, or any or either of them, and shall be subject to the same restrictions and regulations, which are now prescribed by law for the regulation and government of such officers.

Mr. Rose moved to lay the amendment to the amendment on the table; which was carried.

And then the House adjourned.

## AFTERNOON SESSION, January 13, 1845.

House met and resumed the consideration of the bill to settle the affairs of the several Branch Banks in this State—the question pending on the amendment offered by Mr. Chandler.

Mr. Martin moved to lay the amendment on the table; which was lost.

Mr. Phillips moved to amend the amendment, by striking out “two,” before Directors, and inserting “one;” which was lost.

Mr. Walker moved to amend by striking out the words, “a President and,” in the first line; which was carried. Yeas 47—Nays 41:

YEAS—messrs. Speaker, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Bowdon, Brandon, Clarke, Cobb, Cook, Dufreese, Fletcher, Gamble, Garrett, Gewin, Hall, Harris, Howard, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Kennedy, King, Maples, Mason, Merrick, Miree, Mitchell of n. Patton, Perry, Prince, Roby, Scott of m. Seawell, Snowden, Steele, Treadwell, Walker, Watts of Dalas, Webb, Williams of J. and Woodward.

NAYS—messrs. Aldridge, Chandler, Clay, Cooper, Davis of F. Dunn, Grady, Griffin, Hays, Hill, Hobdy, Inge, Jemison, Johnson, Jones of Lawrence, Jones of Limestone, Judge, Kimbell, Kittrell, Lansdale, Lea, Martin, McClung, Meriwether, Morrison, Mudd, Norman, Perrine, Phillips, Portis, Rose, Scott of J. Smith of L. Smith of mar. Speight, Spencer, Stith, Storrs, Watts of B. Williams of m. and Winston

Mr. Jones of Limestone, moved to amend by inserting “with a President to be elected as heretofore,” after the word “shall;” which was adopted.

The amendment as amended was then adopted.

Mr. Jemison moved to amend by striking out the second section of the bill; which was carried.

Mr. Walker moved to amend by way of substitute for the third section, as follows:

*And be it further enacted.* That the President and Directors of the said Bank and Branch Banks in any one year, shall collect at least twenty per cent. of the principal besides the interest that has accrued on the same by the first day of June, eighteen hundred and forty-five: *Provided*, that said President and Directors shall have power in all cases, upon the payment of said amount to require additional security for the balance of the debt, if in their judgment its security or the condition of the debtor require it: *And provided further*, that when said payment is made as aforesaid, the said President and Directors shall have power if they think proper, when any of the parties to the original debt are dead, insolvent, or have removed from the State, to surrender the original note or evidence of debt, upon the execution of a new note with such additional security as may be demanded.

Mr. Smith of L. moved to lay the amendment on the table; which was carried. Yeas 67—Nays 25:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Bell, Cobb, Cooper, Crooin, Davis of F. Davis of L. Dufreese, Edwards, Gamble, Garrett, Grady, Harris, Hays, Hill, Hobdy, Howard, Inge, Johnson, Jones of Ben. Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kennedy, Kimbell, King, Lansdale, Lea, Maples, Martin, Mason, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Norman, Patton, Perrine, Phillips, Portis, Roby, Rose, Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb, Winston and Woodward.

NAYS—messrs. Baker, Bowdon, Brandon, Chandler, Clay, Clemens, Cook, Dunn, Fletcher, Gewin, Griffin, Hall, Jackson, Jemison, Jones of Blount, Judge, Kittrell, McClung, Perry, Prince, Scott of J. Steele, Walker, Williams of J. and Williams of M.

Mr. Martin moved to amend as follows, to come in after the word "due:"

"Except the bills purchased by the President of the State Bank, during the year eighteen hundred and forty-four."

Mr. Dunn moved to amend the amendment as follows:

"And except such notes and bills as may have been received by said Bank or Branch Banks in payment of curtailments, during the year eighteen hundred and forty-four."

Mr. Clemens moved to lay the amendment to the amendment on the table; which was carried.

Mr. Stith moved to amend the amendment as follows:

"And bills of exchange which were received for curtailments during the year eighteen hundred and forty four;"

Which was adopted.

Mr. Portis moved to amend the amendment as follows:

"All of which said bills of exchange shall be collected without the privilege of such extension;"

Which was adopted—and the amendment as amended was adopted.

Mr. Clemens moved to amend as follows:

Strike out the words "and one third of the debt, principal and interest," in the fifth line of the third section, and insert "twenty per cent. of the entire debt and interest for the first year, thirty-seven and a half per cent. for the second year, and the remainder of the debt the next year."

Mr. Chandler moved to amend the amendment by way of proviso as follows:

"Provided, One half of the said twenty per cent. be paid in specie or specie funds."

Mr. Jones of Limestone, moved to lay the amendment and the amendment to the amendment on the table.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to change the time of holding the County Courts of Washington and Macon counties.

Mr. Prince offered the following resolution:

*Resolved*, That the Senate be now invited into the Hall of the House for the purpose of electing a Judge of the County Court of Washington county, and a member of the Medical Board at Tuscaloosa; which was adopted.

Whereupon the Senate repaired to the Hall of the House—Mr. President announced the object of the assembling of the two Houses, to be to elect a Judge of the County Court of Washington county, and a member of the Medical Board of the City of Tuscaloosa.

The two Houses proceeded first to elect a Judge of the County Court of Washington county:

*Samuel S. Houston and Samuel Catlin, Esqs.* being in nomination:

Those who voted for *Mr. Houston*, are—messrs. President, Dent, Dougherty, Fleming, Gilchrist, Griffin, Hardaway, Marchbanks, McAlpin, McClanahan, Norris, Reese, Spruill, Walker of B. Watrous and Watkins of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Barnett, Baugh, Bell, Brandon, Chandler, Clarke, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Garrett, Grady, Hays, Hill, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Maples, Martin, Mason, Meriwether, Merrick, Mudd, Perrine, Perry, Phillips, Portis, Prince, Scott of J. Seawell, Smith of L. Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of D. Webb, Williams of M. Winston and Young of the House.

Those who voted for *Mr. Catlin*, are—messrs. Arrington, Ashe, Bishop, Creagh, Harris, Hudson, Oliver, Posey, Smith, Walker of L. Walhall, Winston and Wilson of the Senate; and messrs. Allen of B. Clay, Dufreese, Gamble, Gewin, Griffin, Hall, Harris, Hobdy, Inge, Jones of F. Kennedy, Lea, McClung, Miree, Mitchell of B. Morrison, Patton, Smith of Marengo, Snowden, Speight, Watts of B. and Williams of J. of the House.

*Mr. Houston* having received a majority of the whole number of votes given, Mr. Speaker declared him duly and constitutionally elected Judge of the County Court of Washington County, for the term prescribed by law.

The two Houses next proceeded to elect a member of the Medical Board at Tuscaloosa:

*William J. Hays* alone being in nomination, and he having received one hundred and eight votes, that being the whole number given, Mr. Speaker declared him duly elected a member of the Medical Board at Tuscaloosa, for the time prescribed by law.

The Senate then withdrew from the Hall of the House and the House adjourned.

NIGHT SESSION, January 13, 1845.

The House met pursuant to adjournment.

Mr. Cooper introduced a memorial and joint resolutions of the General Assembly of the State of Alabama, to the Congress of the United States; which were adopted.

Mr. Webb introduced a bill to authorize James Lamar to sell certain property therein named; which was read the first, second and third times, and passed.

The engrossed bill to declare Drucilla Roberts, of Fayette county, a free dealer:

The engrossed bill for the relief of Wm. Payner:

The engrossed bill for the relief of Frederick Perquet and others:

Were severally read the third time and passed.

The engrossed bill for the relief of Charles R. Gibbs, was read the third time:

Mr. Stith moved to lay the bill on the table; which was carried.

The engrossed bill to legalize a certain marriage therein named, was read the third time and passed.

Mr. Howard moved to reconsider the vote just taken; which was lost. Yeas 37—Nays 37:

YEAS—messrs. Aldridge, Barnett, Beck, Chandler, Dufreese, Fletcher, Harris, Hobdy, Howard, Jackson, Jemison, Jones of Benton, Jones of C. Jones of F. Jones of Limestone, Judge, King, Kittrell, Martin, Mason, Meriwether, Mitchell of B. Mudd, Patton, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of M. Steele, Storrs, Walker, Watts of B. Watts of D. and Williams of J.

NAYS—messrs. Speaker, Alexander, Allen of B. Allen of R. Baker, Baugh, Bell, Bowdon, Brandon, Clemens, Cook, Cooper, Davis of F. Edwards, Gamble, Garrett, Griffin, Hays, Hill, Jones of Blount, Jones of Lawrence, Kennedy, Kimbell, Lansdale, Lea, Maples, McClung, Merriek, Mirce, Morrisett, Morrison, Scott of J. Snowden, Speight, Stith, Treadwell, Webb and Winston.

The engrossed bill for the relief of Levi Freeman:

The engrossed bill to authorize Edmund Wiggins, to erect a toll bridge over Pea river, in Coffee county:

The engrossed bill to authorize Wm. H. Tarrant, to establish a ferry across the Alabama river, and for other purposes, were severally read the third time and passed.

The bill from the Senate to authorize the Branch Bank at Mobile, to redeem the lands of John B. Hogan, was read the third time and lost. Yeas 12—Nays 57:

YEAS—messrs. Chandler, Davis of L. Dufreese, Harris, Hill, Jemison, Judge, Kittrell, Martin, Phillips, Speight and Storrs.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Cobb, Cook, Cooper, Davis of F. Fletcher, Gamble, Grady, Griffin, Hall,



Hays, Howard, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Lawrence, Kennedy, King, Lansdale, Lea, Maples, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Patton, Perry, Portis, Prince, Roby, Rose, Scott of J. Scott of M. Smith of L. Snowden, Steele, Stith, Treadwell, Walker, Watts of B. Watts of D. and Webb.

The bill from the Senate to authorize Louis Wyeth, executor of the last will and testament of John Allen, deceased, to pay over the distributive share of Laura Allen, minor child of said decedent, to David A. Smith, her guardian, was read the second time and ordered to a third reading.

The bill from the Senate for the relief of Sally Clopton, was read the second time and referred to a select committee.

The bill from the Senate to define the compensation of jurors and witnesses in the county of Chambers, was read the second time and ordered to a third reading.

On motion of Mr. Hays,

*Resolved*, That with the concurrence of the Senate the two Houses will assemble in the Hall of the House on Wednesday next, at twelve o'clock, for the purpose of electing a State Printer.

The bill from the Senate to enable the President and Directors of the Dayton Literary Association, to confer degrees, &c. was read the second time and ordered to a third reading.

And the House then adjourned.

JANUARY 14th, 1845.

The House met pursuant to adjournment.

The bill to revive and continue in force an act therein named, was read the second and third times and passed.

A message from the Senate, by Mr. Morrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill to be entitled an act for the relief of Sarah Greer, of Wilcox county:

An act for the relief of certain purchasers of sixteenth section lands, and for other purposes:

A bill making appropriations for the payment of certain claims against the State:

An act for the better government of the State Penitentiary:

An act explanatory of an act approved February thirteenth, eighteen hundred and forty-three, for the relief of Adeline R. Devreaux:

The Senate has also adopted a joint memorial to the Congress of the United States, requesting a grant of land for each township wherein the sixteenth sections have been found valueless.

The Senate has passed the following bills from the House of Representatives:

An act authorizing the Governor to appoint an agent to collect from the Federal Government, the sums due to this State for advances on account of the Creek Indian hostilities, and have amended the same as therein shown:

A bill for the relief of Vines Smith, of Coosa county, and have amended the same as therein shown:

In all of which the concurrence of your Honorable body is solicited.

The Senate has passed the following named bills from the House of Representatives, without amendment:

An act to extend the time of the Circuit Court of Pickens county, and to change the time of holding the Circuit Court of Sumter:

An act for the relief of Louisa Allen:

An act to increase the salary of the Judge of the County Court of Mobile county:

An act to authorize the election of eight Commissioners of the Court of roads and revenue in the county of Conecuh:

And an act to incorporate the Robinson Institute for the purposes of education, in the county of Autauga.

Mr. Steele introduced a bill to be entitled an act to change the boundary line between the counties of Autauga and Dallas; which was read the first time and ordered to a second reading.

Mr. Jackson introduced a bill to be entitled an act to emancipate a certain slave therein named; which was read a first and second time, and referred to the committee on propositions and grievances.

Mr. Hall presented the petition of sundry citizens of Baldwin county; which was referred to the committee on privileges and elections.

Mr. Merrick introduced a bill to authorize Edmund Wiggins to erect a toll bridge on the Choctawhatchee river, in Coffee county, at Geneva; which was read the first and second times, and ordered to be engrossed for a third reading.

Mr. Winston introduced a bill to be entitled an act to change the name of a certain person therein named; which was read the first, second and third times, and passed.

Mr. Phillips introduced a bill to enable the Branch Bank, at Mobile, to redeem certain property; which was read the first and second times.

Mr. Morrisett offered the following amendment; which was adopted:

“*Provided*, the President and Directors shall first ascertain that it can be resold for a larger amount than the sum to be advanced.”

The bill was then read the third time and passed.

Ordered, that leave of absence be granted to Mr. Johnson until Monday next.

Mr. Phillips introduced a bill to be entitled an act to alter the organization of the board of the Commissioners of roads and revenue, in the county of Mobile; which was read the first and second times, and referred to the delegation from Mobile county.

Mr. Perry presented the account of Richard C. Mason, deputy sheriff of Morgan county; which was referred to the committee on accounts.

Mr. Hobdy introduced a bill making an appropriation for a certain claim therein named; which was read the first and second times, and referred to the judiciary committee.

Mr. Jemison presented the account of T. J. Burke; which was referred to the committee on accounts.

Mr. Mason presented the account of M. M. Bonham, sheriff of Wilcox county; which was referred to the committee on propositions and grievances.

Mr. Martin, from the committee on the State Bank and Branches, to whom was referred the resolution requiring a tabular statement of the aggregate amount of the capital stock of the Bank of the State of Alabama and Branches; the gross amount of debts due to each Bank, &c., reported a tabular statement in accordance with the resolution.

The statement was laid on the table, and one hundred and thirty-three copies ordered to be printed.

Mr. Clemens, from the committee on the judiciary, to whom was referred an act concerning divorces, reported the bill back to the House without amendment, and recommended its passage.

The bill was ordered to be engrossed for a third reading. Yeas 52—Nays 29:

YEAS—messrs. Alexander, Allen of B. Baker, Barnett, Beck, Bell, Chandler, Clay, Clemens, Cook, Cooper, Croom, Davis of F. Dunn, Fletcher, Gamble, Hall, Harris, Hobdy, Inge, Jemison, Jones of Blount, Jones of Conecuh, Jones of Franklin, Jones of Limestone, Judge, Kidd, Kimbell, Kirtrell, Lansdale, Mason, McClung, Merrick, Morrisett, Patton, Perrine, Portis, Prince, Rose, Scott of J. Seawell, Smith of mar. Smith of L. Speight, Spencer, Stith, Storrs, Treadwell, Webb, Williams of M. Winston, and Young.

NAYS—messrs. Speaker, Aldridge, Allen of R. Brandon, Clarke, Cobb, Edwards, Garrett, Gewin, Hays, Hill, Howard, Jackson, Jones of Benton, Kennedy, King, Lea, Maples, Martin, Meriwether, Miree, Mitchell of B. Mudd, Perry, Roby, Scott of Macon, Snowden, Watts of Dallas and Williams of J.

Mr. Clemens, from the same committee, to whom was referred the bill to consolidate the office of Circuit and County Clerks, in the county of Covington, reported the same to the House and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens, from the same committee, to whom was referred the bill for the relief of Martha Coleman, reported the same to the House, and recommended its passage.

The bill was ordered to be engrossed.

Mr. Clemens, from the same committee, to whom was referred the bill for the payment of State witnesses, reported that it would be inexpedient to pass said bill, which was concurred in.

Mr. Clemens, from the same committee, to whom was referred the bill to legalize certain sales therein named, reported the same to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Clemens from the same committee, to whom was referred the bill making the libeling or slandering of a female an indictable offence, reported that it would be inexpedient to pass said bill.

The report was concurred in.

Mr. Portis from the select committee, to whom was referred the bill from the Senate to provide for the withdrawal and reinvestment of the sixteenth section fund, made the following report:

Mr. Speaker—The select committee to whom was referred so much of the message of His Excellency the Governor, as relates to the investment and proper management of the sixteenth section school fund, now deposited in the Bank of the State of Alabama and the several Branches thereof, in the event of the final liquidation of said Banks, and also to whom was referred “a bill from the Senate” upon the same subject, have instructed me to report back the bill with the following amendments proposed by the committee and recommend its passage. The committee embrace this opportunity of expressing the result of their deliberations upon the subject matter of the bill, by amendment to the bill from the Senate, because of the facility thus afforded of expediting legislation upon the same. The committee are not unmindful of the fact that this is a most sacred fund, and that the State, in maintenance of her ever-high, moral and philanthropic character, in the furtherance of the cause of education, is disposed to contribute her most vigilant guardianship to the proper application, and the disbursement of the proceeds of the grant, by Congress, consisting of the sixteenth section (or some other in lieu of it) in every township in the State. The principle upon which the State, as the custodian and trustee of this fund has distributed the same heretofore, has necessarily been attended with that want of perfection in its application to the citizens of the State, generally which is the inevitable concomitant of public donations; but, its injustice was never so apparent as when the act granting, two hundred thousand dollars in aid of valueless sixteenth sections, was repealed. From that date to this time, the operation of the laws upon the subject have been to require a portion, not inconsiderable, of the public assets of the State to be expended annually in aid of those sections, which were valuable, and which sold for large amounts in many instances, and these assets are to be replaced by an income into the State Treasury hereafter, from the mass of the community promiscuously—those who reside in townships where the sixteenth sections are valueless, contributing equally in proportion to their property with those where sixteenth sections are worth thousands. To prevent the perpetuation of this system, the committee have recommended the re-investment of this fund in real estate; and, if the townships should not accept of this proposition, as the State has heretofore authorized and recommended the sale of said lands, she is in good faith bound to pay over the stipend of interest to the townships where the lands were sold. The

committee therefore recommend the investment of said fund in real estate again, or the alternative investment of it in State stock; and, embodying their views in the most practicable form, they have suggested the amendments proposed to the bill, with all the guards and restrictions deemed necessary for the safe keeping and patriotic application of the fund to its legitimate purposes.

JOHN W. PORTIS,  
Chairman of the Committee.

January 16th, 1845.

Mr. Clemens moved to postpone the bill and amendment until Thursday next, and make them the special order for that day at twelve o'clock.

Mr. Morrisett moved to postpone until "Saturday;" which was carried.

Mr. Clemens, from the committee on the judiciary, to whom was referred the authorizing Judges of the Orphans Court in this State to grant orders for the sale of real estate in certain cases, reported that it would be inexpedient to pass said bill.

The report and bill were laid on the table.

Mr. Phillips, from the committee on the judiciary, to whom was referred the bill to prevent the removal of property bound by liens, reported the same to the House and recommended its passage.

Mr. Walker moved to lay the report and bill on the table; which which was lost. Yeas 32—Nays 54:

YEAS—messrs. Alexander, Allen of R. Baugh, Bell, Clemens, Cook, Cooper, Davis of F. Dufreese, Fletcher, Garrett, Hall, Hill, Jackson, Jones of B. Jones of Blount, Jones of F. Jones of Limestone, Judge, Maples, Mason, Mitchell of B. Morrison, Patton, Scott of M. Snowden, Speight, Stith, Walker, Williams of J. Williams of M. and Young.

NAYS—messrs. Speaker, Aldridge, Allen of B. Baker, Barnett, Beck, Bowdon, Brandon, Chandler, Clay, Cobb, Croom, Davis of L. Dunn, Gamble, Grady, Griffin, Harris, Hays, Hobdy, Howard, Jemison, Jones of C. Jones of Lawrence, Kennedy, Kidd, Kimbell, King, Kittrell, Landsdale, Lea, Martin, McClung, Merrick, Miree, Morrisett, Muld, Perrine, Perry, Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Steele, Storrs, Treadwell, Watts of B. Watts of D. Webb, and Winston.

Mr. Moore, (Mr. Lea in the chair,) moved to strike out the proviso in the bill.

The hour of twelve having arrived the House proceeded to the consideration of the special order, it being the bill to settle the affairs of the several Branch Banks in this State.

The question pending on laying the amendment offered by Mr. Clemens, and the amendment to the amendment on the table.

A division of the question being called, it was first taken on laying the amendment to the amendment on the table and carried. Yeas 82—Nays 8:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bowdon, Brandon, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Croom, Davis of L. Dunn, Edwards, Fletcher, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Lansdale, Lea, Maples, Martin, Mason, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Patton, Perrine, Perry, Portis, Prince, Roby, Rose, Scott of J. Scott of M., Seawell, Smith of L. Smith of M. Snowden, Spencer, Steele, Storrs, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Chandler, Davis of F. Jemison, McClung, Mudd, Phillips, Speight, and Stith.

The question recurred on laying the amendment on the table; and carried. Yeas 77—Nays 16:

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Chandler, Clarke, Cobb, Cook, Cooper, Croom. Davis of F. Davis of L. Dufreese, Dunn, Edwards, Gamble, Garrett, Grady, Harris, Hays, Hill, Hobdy, Howard, Inge, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of M. Seawell, Smith of L. Snowden, Speight, Spencer, Stith, Storrs, Treadwell, Watts of B. Watts of D. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Bowdon, Brandon, Clay, Clemens, Fletcher, Gewin, Griffin, Hall, Jackson, Jemison, McClung, Norman, Scott of J. Steele, Walker and Williams of J.

Mr. Moore (Mr. Lea in the Chair,) moved to amend as follows:

Strike out all between the word "same," in the fifth line of section three, and the word "and" at the end of said line and insert:

"And one fourth of the debt and the interest due at the time of extension: *Provided*, the interest be paid in specie."

The House adjourned.

#### AFTERNOON SESSION, January 14, 1845.

The House met pursuant to adjournment, and resumed the consideration of the special order, it being the bill to settle the affairs of the several Branch Banks in this State.

The question pending on the amendment offered by Mr. Moore.

Mr. Mudd moved to lay the amendment on the table; which was carried. Yeas 59—Nays 26:

YEAS—messrs. Aldridge, Allen of B. Baker, Barnett, Baugh, Beck, Bowdon, Brandon, Clarke, Clemens, Cobb, Cooper, Davis of L. Dunn, Edwards, Gamble, Gewin, Grady, Hall, Harris, Hobdy, Howard, Inge, Jackson, Jemison, Jones of Ben. Jones of Blount, Jones of C. Jones of F. Jones of Limestone, Judge, Kennedy, King, Lansdale, Maples, Martin, Mason, Mitchell of B. Morrisett, Mudd, Patton, Perrine, Portis, Prince, Roby, Scott of J. Seawell, Smith of L. Snowden, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of M. Winston, Woodward and Young.

NAYS—messrs. Speaker, Allen of R. Bell, Chandler, Clay, Cook, Croom, Davis of F. Fletcher, Garrett, Hays, Hill, Jones of Law. Kittrell, Lea, McClung, Merrick, Miree, Norman, Perry, Phillips, Rose, Scott of M. Speight, Spencer and Williams of J.

Mr. Jones of Limestone moved to amend as follows, to come in at the end of section third:

“*Provided*, that in all cases of extension under this section, the interest shall be paid in specie at the time of said extension.”

Mr. Davis of L. moved to lay the amendment on the table, which was carried. Yeas 62—Nays 23:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Bell, Bowdon, Brandon, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Croom, Davis of L. Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Hall, Harris, Hays, Hill, Hobdy, Inge, Jackson, Jemison, Jones of Benton, Jones of Blount, Jones of F. Jones of Lawrence, Judge, Kennedy, Kittrell, Lansdale, Maples, Martin, Mason, Mitchell of B. McClung, Miree, Norman, Patton, Perry, Prince, Roby, Scott of J. Scott of M. Seawell, Snowden, Steele, Webb, Williams of J. Williams of M. Walker, Winston, Woodward and Young.

NAYS—messrs. Baugh, Beck, Cooper, Davis of F. Grady, Howard, Jones of C. Jones of Limestone, King, Lea, Merrick, Morrisett, Mudd, Perrine, Phillips, Portis, Rose, Smith of L. Stith, Storrs, Treadwell, Watts of B. and Watts of D.

Mr. McClung moved to amend by striking out the words “one-third,” in the third section; which was lost. Yeas 35—Nays 52:

YEAS—messrs. Speaker, Aldridge, Allen of R. Baker, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Dunn, Fletcher, Gewin, Hall, Hays, Jackson, Jemison, Jones of Blount, Jones of Lawrence, Judge, Kittrell, Maples, McClung, Mudd, Norman, Perry, Roby, Scott of J. Scott of M. Speight, Steele, Williams of J. Williams of M. and Walker.

NAYS—messrs. Alexander, Allen of B. Barnett, Baugh, Beck, Clarke, Cooper, Croom, Davis of F. Davis of L. Edwards, Gamble, Garrett, Grady, Harris, Hill, Hobdy, Howard, Inge, Jones of Benton, Jones of C. Jones of F. Jones of Limestone, Kennedy, Kimbell, King, Lansdale, Lea, Martin, Mitchell of B. Mason, Merrick, Meriwether, Miree, Morrisett, Patton, Perrine, Phillips, Portis, Prince, Rose, Seawell, Snowden, Spencer, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb, Winston, Woodward and Young.

Mr. Davis of L. moved to strike out the word "debt," in the third section; which was lost.

Mr. Mudd moved to amend as follows:

*"And be it further enacted,* That it shall be the duty of the President and Directors of said Bank and Branches, to collect as soon as possible the entire amount of all such debts as are now due and owing, and which may hereafter become due and owing to the said Bank and Branches, and which are known to be good and collectable beyond doubt, and without danger of loss to the said Bank and Branches: *Provided however,* that the said President and Directors may delay suit on such debts as are now due, and may delay the issuance of execution on such debts as are now in judgments until the first day of June next, if they think it will not prejudice the interest of the said Bank and Branches so to do."

Mr. Rose moved to lay the amendment on the table; which was carried. Yeas 64—Nays 21:

YEAS—messrs Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Chandler, Clarke, Clay, Cobb, Cook, Croom, Davis of F. Davis of L. Dunn, Fletcher, Gamble, Garnett, Gewin, Grady, Hall, Harris, Hays, Hill, Hobdy, Inge, Jackson, Jenison, Jones of Benton, Jones of Blount, Jones of Lawrence, Judge, Kennedy, Kimbell, Kuttrell, Lausdale, Lea, Maples, Martin, Mason, McClung, Miree, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of J. Scott of M. Speight, Spencer, Steele, Stith, Watts of D. Webb, Williams of J. Williams of M. and Woodward.

NAYS—messrs Baugh, Edwards, Howard, Jones of C. Jones of F. Jones of Limestone, King, Merrick, Morrisett, Mudd, Norman, Patton, Perrine, Seawell, Smith of L. Snowden, Storrs, Treadwell, Watts of B. Winston and Young.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to exempt certain property from execution:

Also, joint resolutions authorizing the Governor to loan tents and camp equipage to certain volunteer companies therein named.

Mr. Kimbell, from the same committee, reported as correctly enrolled:

An act for the relief of Thomas E. Montgomery:

An act for the relief of the purchasers of a certain sixteenth section, in the county of Barbour:

An act for the relief of Cynthia R. Merritt:

An act to incorporate the Dadeville Academy, in the county of Tallapoosa.

The House adjourned.



House met pursuant to adjournment.

Mr. Judge moved to suspend the rules, that he might introduce a resolution proposing that the two Houses adjourn *sine die* on Saturday, the twenty-fifth instant; which was carried. Yeas 42—Nays 38:

YEAS—messrs. Speaker, Aldridge, Barnett, Beck, Croom, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Gamble, Grady, Harris, Hays, Inge, Jackson, Jones of Benton, Jones of F. Jones of Lawrence, Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Merrick, Mirree, Mudd, Patton, Perrine, Perry, Roby, Smith of L. Smith of M. Speight, Steele, Williams of J. Winslow and Woodward.

NAYS—messrs. Alexander, Allen of B. Allen of R. Baker, Baugh, Bell, Bowdon, Brandon, Chandler, Clarke, Clemens, Cobb, Cook, Cooper, Garrett, Hill, Howard, Jenison, Jones of Blount Jones of C. Jones of Limestone, Mason, McClung, Mitchell of B. Morrisett, Portis, Rose, Scott of J. Scott of M. Snowden, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb and Young

Mr. Judge thereupon introduced the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will adjourn *sine die* on Saturday, twenty-fifth instant.

Mr. Watts of B. moved to postpone the resolution until the twentieth, and make it the special order for that day; which was carried. Yeas 12—Nays 38:

YEAS—messrs. Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Bell, Bowdon, Chandler, Clarke, Clemens, Cobb, Cook, Cooper, Dunn, Edwards, Fletcher, Gamble, Harris, Hill, Howard, Jenison, Jones of Blount, Jones of C. Jones of Limestone, Kennedy, Mason, McClung, Merrick, Morrisett, Perry, Portis, Scott of J. Seawell, Snowden, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb and Young.

NAYS—messrs. Speaker, Alexander, Beck, Brandon, Croom, Davis of F. Davis of L. Gamble, Grady, Hays, Hobdy, Inge, Jackson, Jones of Benton, Jones of F. Jones of Lawrence, Judge, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mirree, Mudd, Patton, Perrin, Phillips, Roby, Rose, Scott of M. Smith of L. Smith of M. Speight, Steele, Williams of J. Winston and Woodward.

Mr. Rose introduced the following resolution; which lies over one day:

*Resolved*, That after Monday, fifteenth instant, no new business shall be introduced into this House.

Mr. Woodward moved to take from the table a bill for the relief of Charles R. Gibbs; which was carried, and the bill read the third time, and passed. Yeas 38—Nays 34:

YEAS—messrs. Alexander, Allen of R. Baker, Barnett, Beck, Bell, Snowden, Brandon, Croom, Davis of F. Fletcher, Gamble, Garrett,

**Grady, Harris, Hays, Hobdy, Inge, Jones of Blount, Jones of Lawrence, Kennedy, Kimbell, King, Kittrell, Martin, Patton, Perrine, Prince, Speight, Steele, Stith, Treadwell, Watts of D. Webb, Winston, Woodward and Young.**

**NAYS**—messrs. Speaker, Aldridge, Allen of B. Chandler, Clarke, Clemens, Davis of L. Edwards, Hill, Howard, Jackson, Jemison, Jones of Benton, Jones of F. Judge, Landsdale, Lea, Maples, Mason, McClung, Miree, Morrisett, Mudd, Perry, Phillips, Portis, Roby, Rose, Scott of J. Scott of M. Smith of L. Snowden and Williams of J.

Engrossed bill for the relief of Ann D. Irby, of Lowndes county, was read the third time, and passed.

Engrossed bill for the relief of Robert Parker and Benjamin Harrison, was read the third time, and passed. Yeas 47—Nays 24:

**YEAS**—messrs. Speaker, Alexander, Barnett, Baugh, Beck, Bell, Bowdon, Clarke, Cobb, Cook, Cooper, Croom, Davis of F. Fletcher, Gamble, Garrett, Grady, Harris, Hays, Hobdy, Howard, Jackson, Jones of Blount, Jones of C. Jones of Law Judge, Kennedy, Kimbell, Kittrell, Lea, Maples, Martin, Mason, McClung, Miree, Mudd, Patton, Prince, Scott of M. Seawell, Snowden, Steele, Treadwell, Watts of Dallas, Webb, Winston Woodward and Young.

**NAYS**—messrs. Aldridge, Allen of B. Allen of R. Baker, Brandon, Chandler, Clemens, Davis of L. Hill, Jemison, Jones of Benton, Jones of Limestone, King, Landsdale, Perrine, Phillips, Portis, Roby, Scott of J. Smith of L. Speight, Stith, Watts of B. and Williams of J.

Engrossed bill from the Senate to be entitled an act, to define the compensation of jurors and witnesses, in the county of Chambers, and for other purposes:

The engrossed bill to enable the President and Directors of the Dayton Literary Association, to confer degrees, &c.

The engrossed bill to authorize Louis Wyeth, executor of the last will and testament of John Allen, deceased, to pay over the distributive share of Laura Allen, minor child of said decedent, to David A. Smith:

Engrossed bill to raise a revenue for the county of Marion:

Engrossed bill to change the mode of assessing taxes in certain counties therein named:

Were severally read the third time and passed.

The bill to be entitled an act, to cancel a certain contract therein named, was read the second time:

Mr. Phillips moved to lay the bill on the table; which was lost.

The bill was ordered to be engrossed for a third reading.

The bill to be entitled an act, to incorporate the French Benevolent Society, in the city of Mobile, was read the second time, and ordered to engrossed for a third reading.

The bill for the relief of Margaret Ann Brown and her infant children, was read the second time, and referred to the committee on the judiciary.

The joint resolutions, for the benefit of the Morgan Cavalry, were read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of Joel Hurley and Nathan Waters, of Pike county, was read the second time, and referred to the committee on the judiciary.

The bill to change the compensation of grand and petit jurors, in the county of Pike, was read the second time, and ordered to be engrossed for a third reading.

The bill to regulate the residence of the Judge of the County Court of Washington county, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of Charles J. Barnett, of Pike county, was read the second time, and referred to the committee on the judiciary.

The bill for the relief of Mary Ann Delano Tarleton, was read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of Catherine Rogers, of Marshall county, was read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of Adam Lowe, was read the second time.

Mr. McClung moved to postpone the bill indefinitely.

And the House adjourned.

JANUARY 15, 1845.

The House met pursuant to adjournment.

Messrs. Walker and Mitchell of B. asked and obtained leave to record their votes on the motions made yesterday to lay the amendments offered by Mr. Jones of Limestone and Mr. Moore to the bill to settle the affairs of the several Branch Banks in this State, on the table. Also, on the motion of Mr. McClung to strike out "one third" in the third section of said bill.

Message from the Senate, by Mr. Marrast:

The Senate has originated and passed bills of the following titles, to wit:

An act for the relief of Mary J. Kellum:

An act to revive an act to incorporate the Town of Yorkville, in Pickens county:

Also, joint resolutions recommending a sale of the State Bank and Branches upon the conditions therein specified:

In which they respectfully ask the concurrence of the House of Representatives.

The Senate has also passed the following named bills from the House of Representatives:

A bill to change the time of holding the Circuit Courts of Perry county:

A bill for the relief of the estate of Raymond Burroughs, deceased:

A bill to compensate Benjamin A. Philpot, of Morgan county, for certain services:

And a bill to change the time of holding the Court of Commissioners of roads and revenue in the county of Perry, and for other purposes:

The Senate refuses to pass a bill from the House of Representatives, entitled a bill to change the time of holding the County Court of Pickens county, from the fourth Monday in January to the first Monday in March.

The Senate concurs in the resolution from the House of Representatives, proposing to go into the election of a State Printer this day at twelve o'clock.

Mr. Jones of C. moved to suspend the rules that he might introduce a resolution; which was carried. Yeas 51—Nays 29:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Baugh, Bell, Clay, Cobb, Davis of F. Davis of L. Dunn, Edwards, Gamble, Griffin, Harris, Hays, Hill, Hobdy, Howard, Jones of Benton, Jones of Blount, Jones of Con. Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, King, Lansdale, Mason, McClung, Meriwether, Merrick, Morrisett, Morrison, Mudd, Patton, Perry, Roby, Rose, Scott of J. Seawell, Smith of L. Snowden, Spencer, Treadwell, Walker, Winston, and Woodward.

NAYS—messrs. Barnett, Brandon, Chandler, Clemens, Cook, Cooper, Croom, Dufreese, Fletcher, Garrett, Grady, Hall, Jackson, Jones of F. Kennedy, Kittrell, Lea, Maples, Martin, Miree, Mitchell of B. Perrine, Prince, Scott of M. Speight, Steele, Smith, Storrs and Webb.

Mr. Jones of C. thereupon introduced the following resolution:

Whereas, there is a sealed document in the care and safe keeping of the Executive: And whereas, the Governor thought proper to advert to the same in his annual message to the General Assembly suggesting that the Legislature take the subject under their consideration. Therefore,

*Be it Resolved*, That the Governor be requested forthwith to send into this House said sealed document aforesaid, that the same may be opened and investigated for the proper disposition of the same.

Mr. Jones of F. moved to lay the resolution on the table; which was lost. Yeas 22—Nays 68:

YEAS—messrs. Barnett, Bowdon, Chandler, Clay, Clemens, Cook, Cooper, Dufreese, Garrett, Jones of F. Kimbell, Kittrell, Mason, Mitchell of B. Norman, Perrine, Phillips, Prince, Scott of M. Speight, Storrs, and Williams of M.

NAYS—messrs. Aldridge, Alexander, Allen of B. Allen of R. Baker, Baugh, Beck, Bell, Brandon, Clarke, Cobb, Croom, Davis of F. Davis of Limestone, Dunn, Edwards, Fletcher, Gamble, Gewin, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jones of Benton, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, King, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Miree, Morrisett, Morrison, Mudd, Patton, Perry, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Snowden, Spencer, Steele, Smith, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Winston, Woodward and Young.

Mr. Winston moved to amend by striking out all after the word "opened," and insert the following:

"And that the same be deposited in the office of the Secretary of State, and at all times be opened to the inspection of any person."

Mr. Hill moved to lay the amendment on the table; which was lost. Yeas 42—Nays 41:

YEAS—messrs. Allen of R. Baugh, Beck, Bell, Clarke, Clemens, Cook, Davis of F. Edwards, Gewin, Hall, Harris, Hays, Hill, Howard, Jemison, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kidd, Lansdale, Lea, Meriwether, Miree, Morrisett, Morrison, Norman, Patton, Portis, Roby, Scott of J. Sawell, Smith of L. Smith of M. Snowden, Stith, Storrs, Treadwell, Watts of D. and Young.

NAYS—messrs. Speaker, Aldridge, Alexander, Baker, Barnett, Bowdon, Brandon, Chandler, Clay, Cobb, Croom, Fletcher, Gamble, Garrett, Grady, Griffin, Hobdy, Inge, Jackson, Judge, King, Kittrell, Maples, Martin, Mason, McClung, Merrick, Mitchell of B. Mudd, Perrine, Perry, Phillips, Prince, Rose, Scott of M. Speight, Spencer, Steele, Walker, Webb, Williams of J. Williams of M. Winston, and Woodward.

The amendment was then adopted.

Mr. Hill moved to amend by adding "that one hundred and thirty-three copies be printed for the use of the House."

Mr. Judge moved to lay the amendment on the table; which was carried. Yeas 50—Nays 38:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Beck, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Croom, Davis of L. Dunn, Fletcher, Gamble, Grady, Griffin, Hays, Jackson, Jemison, Jones of Benton, Judge, Kennedy, Kittrell, Maples, Martin, Mason, McClung, Meriwether, Miree, Mitchell of B. Mudd, Norman, Perrine, Phillips, Roby, Smith of L. Speight, Spencer, Steele, Stith, Storrs, Webb, Williams of M. Winston and Woodward.

NAYS—messrs. Barnett, Bell, Clarke, Cook, Cooper, Davis of F. Edwards, Gewin, Hall, Harris, Hill, Hobdy, Howard, Inge, Jones of Conecuh, Jones of Franklin, Jones of Lawrence, Jones of Limestone, Kidd, Kimbell, King, Lansdale, Lea, Merrick, Morrison, Patton, Portis, Prince, Scott of J. Scott of Macon, Seawell, Snowden, Treadwell, Walker, Watts of B. Watts of D. Williams of J. and Young.

The resolution as amended was then adopted. Yeas 73—Nays 9:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clarke, Clay, Cobb, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Jones of Benton, Jones of C. Jones of Lawrence, Judge, Kennedy, Kidd, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morri-

son, Mudd, Patton, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Watts of B. Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Clemens, Cook, Hays, Jones of F. Jones of Limestone, Kimbell, Norman, Perrine, and Watts of D.

Mr. Stith moved to reconsider the vote just taken; which was lost.

Mr. Watts of B. moved to reconsider the vote taken last night on the bill for the relief of Charles R. Gibbs.

The House refused to reconsider. Yeas 32—Nays 48:

YEAS—messrs. Speaker, Aldridge, Chandler, Clarke, Clemens, Davis of L. Dunn, Griffin, Hill, Howard, Jackson, Jones of F. Jones of Limestone, Judge, Lea, McClung, Miree, Mitchell of B. Morrisett, Mudd, Perry, Phillips, Portis, Rose, Scott of J. Scott of M. Seawell, Smith of L. Snowden, Storrs, Watts of B. and Watts of D.

NAYS—messrs. Alexander, Allen of B. Allen of R. Baker, Barnett, Bell, Brandon, Clay, Cooper, Croom, Davis of F. Dufreese, Fletcher, Gamble, Garrett, Hall, Harris, Hays, Hobdy, Inge, Jones of Benton, Jones of Blount, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Mason, Merrick, Morrison, Norman, Patton, Perrine, Prince, Smith of M. Speight, Spencer, Steele, Stith, Treadwell, Webb, Williams of M. Winston, Woodward and Young.

On motion of Mr. Lea,

*Resolved*, That the Senate be now invited into the Hall of the House of Representatives, for the purpose of electing a State Printer for the ensuing year.

The Senate repaired to the Hall of the House, were seated and

Mr. President announced the object of the meeting of the two Houses.

The two Houses then proceeded to the election of State Printer.

*John M. McCormick and R. A. Eaton*, being in nomination.

Those who voted for *Mr. McCormick*, are—messrs. Ashe, Bishop, Creagh, Dargan, Fleming, Gilchrist, Hardaway, Harris, Hudson, Marchbanks, McAlpin, McClanahan, Posey, Sellers, Smith, Walker of L. Walthall, Watkins and Winston of the Senate; and messrs. Speaker, Alexander, Allen of B. Allen of R. Baugh, Bell, Bowdon, Brandon, Chandler, Clemens, Davis of F. Davis of L. Dufreese, Edwards, Gamble, Garrett, Gewin, Griffin, Hobdy, Inge, Jackson, Jones of Benton, Jones of Conecuh, Jones of Franklin, Jones of Lawrence, Jones of Limestone, Kennedy, Kidd, Kimbell, Kittrell, Lansdale, Lea, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Smith of L. Smith of M. Speight, Spencer, Steele, Stith, Treadwell, Walker, Webb, and Woodward of the House.

Those who voted for *Mr. Eaton*, are—messrs. President, Arrington, Dent, Dougherty, Griffin, Norris, Reese, Spruill, Ward, Watrous, and Wilson of the Senate; and messrs. Aldridge, Baker, Barnett, Beck

Clarke, Cobb, Cook, Cooper, Croom, Dunn, Fletcher, Grady, Hall Harris, Hill, Jemison, Jones of Blount, Judge, King, Maples, Maso. Morrisett, Morrison, Perrine, Prince, Scott of J. Scott of Macon, Seawell, Snowden, Storrs, Watts of D. Williams of J. and Williams of M. of the House.

*Mr. McCormick* having received a majority of the whole number of votes given,

Mr. Speaker declared him duly and constitutionally elected State Printer for the term prescribed by law.

The Senate withdrew, and the House resumed the consideration of the special order, it being the bill to settle the affairs of the several Branch Banks in this State.

Mr. Portis moved to amend as follows:

Strike out "at Tuscaloosa," in the third section and insert:

"And the President and Directors of the several Branches of said Bank to which said debts are severally payable at this time."

The amendment was adopted. Yeas 48—Nays 38:

YEAS—messrs. Speaker, Barnett, Bell, Brandon, Chandler, Cook, Davis of F. Davis of L. Dunn, Fletcher, Gamble, Gewin, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, Lansdale, Lea, Maples, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Norman, Perry, Portis, Prince, Rose, Scott of J. Scott of M. Seawell, Speight, Steele, Treadwell, Walker, Watts of B. Williams of J. and Williams of M.

NAYS—messrs. Aldridge, Alexander, Allen of B. Beck, Bowdon, Clarke, Clay, Cobb, Croom, Dufreese, Edwards, Garrett, Grady, Inge, Jemison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Kennedy, King, Kittrell, Martin, Mason, McClung, Meriwether, Mudd, Patton, Perrine, Phillips, Smith of L. Snowden, Spencer, Smith, Storrs, Watts of D. Woodward and Young.

Mr. Portis moved to strike out the word "Branch" where it occurs in the third section; which was carried.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has this day approved bills of the following titles, to wit:

An act to authorize the Governor to require the agent of the State to take possession of the Salt Reserve Lands, in Clarke county, and to allow compensation to said agent:

An act to amend an act to authorize the tax collector of Covington county, to receive jury certificates only in payment of county taxes, approved seventeenth January, eighteen hundred and forty-four, and for other purposes:

An act to repeal in part an act in Clay's Digest, page five hundred and ninety, section three:

And an act for the compensation of John R. Ware and Lawson Williford:

Which originated in this House. The House adjourned.

AFTERNOON SESSION, January 15, 1845.

The House met and resumed the consideration of the bill to settle the affairs of the several Branch Banks of this State.

Mr. Chandler moved to amend the bill with the following amendment, to come in after the word "extension" in the fifth line:

*"Provided, The said President and Directors, shall have power in all cases upon the payment of the said amount to require additional security for the balance of the debt, if in their judgment its security or the condition of the debtor requires it: And provided further, that the lien created by the rendition of any judgment, or the issuance of any execution in favor of the Bank or Branch Banks, and which may be suspended or delayed under the provisions of this act, shall not be lost or impaired, but shall bind the property of the defendant as if a delay or suspension had been granted, and no additional security given: And provided further, that when said payment is made, and such additional security is required and given, the said President and Directors shall have power if they think proper, when any of the parties to the original debt is dead, insolvent, or has removed from the State, to cancel and surrender the said original note or evidence of debt.*

Mr. Howard moved to lay the amendment on the table; which was lost. Yeas 26—Nays 60:

YEAS—messrs. Baugh, Cobb, Cook, Croom, Edwards, Harris, Howard, Inge, Jones of C. Kidd, Kimbell, Martin, Meriwether, Mitchell of B. Morrisett, Mudd, Patton, Perrine, Portis, Scott of M. Snowden, Storrs, Treadwell, Watts of B. Watts of D. and Woodward.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Chandler, Cooper, Davis of F. Davis of L. Dufreese, Dunn, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Hays, Hill, Hobdy, Jemison, Jones of Benton, Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, King, Kittrell, Lansdale, Lea, Maples, Mason, McClung, Merrick, Morrison, Perry, Prince, Roby, Rose, Scott of J. Seawell, Smith of M. Speight, Steele, Stith, Walker, Webb, Williams of J. Williams of M. Winston and Young.

Mr. Watts of B. moved to strike out the last provision in the amendment offered by Mr. Chandler; which was carried. Yeas 48—Nays 55:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Baugh, Bell, Croom, Davis of F. Fletcher, Edwards, Gewin, Grady, Harris, Hill, Howard, Inge, Jemison, Jones of Ben. Jones of Blount, Jones of C. Jones of Law. Jones of Limestone, Kennedy, Kimbell, King, Maples, Martin, Meriwether, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Patton, Perrine, Portis, Rose, Scott of J. Scott of M. Seawell, Snowden, Stith, Treadwell, Watts of B. Watts of D. Woodward and Young.

NAYS—messrs. Beck, Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Davis of L. Dufreese, Dunn, Gamble, Garrett, Hall,



Hays, Hobdy, Jones of F. Judge, Kittrell, Lansdale, Lea, Mason, McClung, Merrick, Perry, Roby, Scott of J. Smith of M. Speight, Steele, Storrs, Walker, Webb, Williams of J. Williams of M. and Winston.

Mr. Walker moved to strike out the second proviso in the amendment; which was lost. Yeas 18—Nays 60:

YEAS—Messrs. Bowdon, Cook, Davis of L. Dufreese, Fletcher, Hall, Jones of Blount, Judge, Martin, Patton, Prince, Roby, Smith of M. Steele, Walker, Williams of M. Woodward and Young.

NAYS—messrs. Speaker, Aldridge, Alexander, Baker, Barnett, Baugh, Beck, Bell, Brandon, Chandler, Clay, Cobb, Croom, Davis of F. Dunn, Gamble, Garrett, Grady, Griffin, Hays, Hill, Hobdy, Howard, Inge, Jemison, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kennedy, Kimbell, King, Kittrell, Lansdale, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Perry, Portis, Rose, Scott of J. Scott of M. Seawell, Snowden, Speight, Stith, Treadwell, Watts of B. Watts of D. Webb, and Williams of J.

Mr. Mudd moved to reconsider the vote just taken; which was lost.

Mr. Fletcher moved to amend as follows:

“*Provided*, In all cases where the original securities have removed out of the limits of the State, or in the discretion of the President and Directors have become insolvent, in that case and no other, the President and Directors shall have power in the renewal of said note, to take new and additional securities, any law to the contrary notwithstanding.”

Mr. Portis moved to lay the amendment on the table; which was carried. Yeas 54—Nays 24:

YEAS—messrs. Speaker, Alexander, Allen of B. Baker, Barnett, Beck, Bell, Brandon, Bowdon, Chandler, Clarke, Clay, Cobb, Cook, Croom, Davis of F. Dufrees, Gamble, Gewin, Grady, Griffin, Harris, Hill, Howard, Jemison, Jones of Benton, Jones of Conecuh, Jones of Lawrence, Jones of Limestone, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Martin, Mason, Meriwether, Mitchell of T. Mudd, Patton, Perrine, Perry, Portis, Rose, Scott of Macon, Seawell, Smith of M. Speight, Stith, Walker, Watts of B. Watts of Dallas, and Woodward.

NAYS—messrs. Aldridge, Baugh, Fletcher, Garrett, Hall, Hays, Hobdy, Jones of Blount, Jones of Franklin, Judge, McClung, Merrick, Miree, Roby, Scott of J. Smith of L. Snowden, Storrs, Treadwell, Williams of J. Williams of M. and Young.

Mr. Portis moved to amend the amendment as follows:

*And provided further*. That all parties at present bound by any evidence of debt to any of said banks, shall consent, in writing, to such extension, and which said written consent shall be filed in the said Banks, unless any of said parties shall be dead or removed out of the United States; in which case only, those parties living, or in the country, shall be required.

Mr. Jones of Benton moved to lay the amendment to the amendment on the table; which was carried. Yeas 43—Nays 33:

YEAS—messrs. Baker, Barnett, Beck, Bell, Chandler, Clarke, Cobb, Davis of L. Dufrees, Edwards, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hill, Jemison, Jones of Benton, Jones of Blount, Jones of C. Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, Mason, Merrick, Mitchell of T. Morrisett, Morrison, Roby, Rose, Smith of L. Snowden, Steele, Stith, Watts of D. and Williams of J.

NAYS—messrs. Speaker, Aldridge, Allen of R. Baugh, Bowdon, Brandon, Clay, Cook, Croom, Davis of F. Fletcher, Hays, Howard, Jones of Lawrence, Jones of Limestone, Kidd, Martin, McClung, Meriwether, Miree, Mitchell of B. Mudd, Perrine, Perry, Portis, Roby, Scott of J. Seawell, Storrs, Treadwell, Watts of B. Williams of M. and Young.

Mr. Mudd moved to amend as follows:

Strike out all after the word “debt,” in the amendment and insert:

“And by mortgage on real estate unincumbered, and its value double the amount of the debt extended.”

And the House adjourned.

#### NIGHT SESSION. January 15, 1845.

House met pursuant to adjournment.

The engrossed bill to be entitled an act, to consolidate the offices of Circuit and County Clerks, in Covington County, was read the third time and passed.

The engrossed bill for the relief of Catharine Rogers, of Marshal county:

The engrossed bill to cancel a certain contract therein named:

The engrossed bill for the relief of Martha Coleman:

The engrossed bill to legalize certain sales therein named:

The engrossed bill to incorporate the French Benevolent Society, in the city of Mobile:

The engrossed bill to change the compensation of grand and petit jurors in the county of Pike:

The engrossed bill to regulate the residence of the Judge of the County Court of Washington county:

The engrossed joint resolutions for the benefit of the Morgan Cavalry:

The engrossed bill for the relief of Mary Ann Delana Tarleton:

Were severally read the third time and passed.

The bill to be entitled an act, for the relief of Adam Love, was taken up.

Mr. Bowdon moved to postpone the same, until to morrow night, seven o'clock, and make it the special order for that hour; which was lost.

The question was then taken on the motion to postpone indefinitely, and carried. Yeas 44—Nays 23:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Chandler, Cook, Dunn, Grady, Griffin, Harris, Hill, Hobdy, Inge, Jones of C. Judge, Kimbell, King, Kittrell, Lansdale, Lea, Maples, McClung, Meriwether, Miree, Morrisett, Perrine, Portis, Prince, Rose, Scott of J. Scott of M. Watts of D. Webb, Williams of J. Williams of M. and Woodward.

NAYS—messrs. Allen of R. Baugh, Clarke, Cobb, Davis of F. Dufreese, Fletcher, Gamble, Gewin, Hall, Hays, Jackson, Jones of Lawrence, Kennedy, Kidd, Merrick, Morrison, Patton, Perry, Snowden, Speight, Steele, Treadwell and Young.

The vote referring the bill for the relief of Charles J. Barnett, of Pike county, to the judiciary committee, was reconsidered, and the bill ordered to be engrossed for a third reading.

The engrossed bill authorizing the rescission of a sale of a part of a certain sixteenth section, in Russell county, was taken from the table on motion of Mr. Barnett, and was read the third time and passed.

The vote referring the bill for the relief of Joel Hurley and Nathan Waters, of Pike county, to the judiciary committee, was reconsidered and the bill ordered to be engrossed for a third reading.

The bill to regulate the issuing of executions by justices of the peace in the county of Benton, was read the second time and ordered to be engrossed for a third reading.

The engrossed bill from the Senate, to provide for the support of paupers, in the county of Chambers:

The engrossed bill from the Senate for the relief of Bartholomew S. Skeats:

The bill from the Senate to authorize the erection of mill dams across Big Wills' Creek and its tributaries, in De Kalb county:

The bill from the Senate to repeal in part an act therein named, as to De Kalb county:

Were severally read the second time and ordered to a third reading.

The bill from the Senate to authorize the Judge of the County Court of Wilcox county and Commissioners of roads and revenue, in said county, to levy a county tax not exceeding fifty per cent on the State tax in said county, was read the second time:

On motion of Mr. Hall, the provisions of the bill were extended to the county of Baldwin.

The bill was then ordered to a third reading.

The engrossed bill from the Senate to compensate tales jurors in Wilcox county:

Bill from the Senate to authorize the receiving of all legal claims against the counties of Henry and Dale, in payment of county taxes:

Were severally read the second time and ordered to a third reading. The bill for the benefit of the Pentlala Vanguards, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of Sarah Blankenship, of Marshall county, was read the second time:

Mr. Williams of M. moved to amend by extending its provisions to Mary Ann Armstrong, wife of Gabriel Armstrong, of Montgomery county:

Mr. Hobdy moved to amend the bill further by extending its provisions to Abeline Smith, wife of Stephen Smith, of Dale county:

Which were adopted, and the bill as amended ordered to be engrossed:

The bill to repeal an act therein named, and to revive an act incorporating the town of Talladega, was read the second time.

Mr. Lea moved to lay the bill on the table, which was carried.

The bill to repeal an act to alter and define the northern boundary line of East Wetumpka:

The bill to authorize Lewis T. Greene, to build a mill on the Coosa river:

The bill for the relief of Weeks Pippin, of Henry county:

The bill to change the manner of summoning jurors in Walker county.

The bill to authorize Jack Deery, of Montgomery county, to emancipate certain slaves therein named:

Were severally read the second time, and ordered to be engrossed for a third reading.

The bill to constitute Mary Ann Armstrong, of Montgomery county, a free dealer, was read the second time and laid on the table.

The bill to lay a special tax in Pike county, was read the second time and ordered to be engrossed for a third reading.

The bill to authorize the sheriff of Marion county to collect taxes, was read the second time, and referred to the committee on ways and means.

The bill to authorize Thomas Hollingsworth to establish a ferry on Coosa river, in Cherokee county, was read the second time and ordered to be engrossed for a third reading.

The bill for the relief of tales jurors, in Pickens county:

The bill for the relief of Richard S. Beasley of Montgomery county:

The bill to incorporate the town of Union, in the county of Greene:

The bill to incorporate the Philomathic Society of the University of Alabama:

The bill to authorize the Judge of the County Court and Commissioners of Roads and Revenue of Randolph county, to lay and collect a special tax:

The bill for the relief of Edmund B. Cody:

The bill to incorporate a Female Seminary, in Greene county:

The bill to compensate Wm. Hawn, Cashier of the Bank of the State of Alabama, for servant hire for the use of said Bank:

Were severally read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of Sarah Fonville, was read the second time.

On motion of Mr. Dufreese the bill was amended so as to extend its provisions to Eliza Billingslea, wife of Clement T. Billingslea, of Bibb county.

The bill was ordered to be engrossed for a third reading.

The bill to change the time of summoning jurors for the county of Limestone, was read the second time, and ordered to be engrossed for a third reading.

The bill for the relief of Daniel Cribbs, sheriff of Tuscaloosa county, was read the second time, and referred to the committee on accounts.

The bill for the relief of Clement Joseph, of Mobile county, was read the second time, and ordered to be engrossed for a third reading.

The bill to incorporate Union Academy, in Pike county:

The bill to establish an additional militia beat in the county of Montgomery:

The bill for the relief of John S. Brooks:

The bill to incorporate the Eutaw and Clinton Dragoons:

Were severally read the second time, and ordered to be engrossed for a third reading.

Mr. Johnson moved to suspend the rule requiring the House to adjourn at nine o'clock; which was carried.

#### NINE O'CLOCK.

Mr. Prince moved that the House do now adjourn until to-morrow morning half past nine o'clock; which was lost. Yeas 17—Nays 41:

YEAS—messrs. Bowdon, Clarke, Cook, Fletcher, Inge, Jones of C. Judge, Kimbell, Mason, McClung, Morrison, Prince, Snowden, Watts of D. Williams of J. Williams of M. and Young

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Bell, Brandon, Cobb, Davis of F. Davis of L. Gamble, Gewin, Griffin, Hall, Harris, Hays, Hill, Hobdy, Jemison, Jones of Benton, Jones of Law, Kennedy, King, Kittrell, Lansdale, Lea, Maples, Martin, Meriwether, Merrick, Morrisett, Patton, Perrine, Perry, Rose, Scott of M. Speight, Treadwell and Webb.

Mr. Bowdon offered the following resolution:

“*Resolved*, That this House will hereafter meet at seven and adjourn at ten o'clock, P. M.” which lies over one day.

The bill from the Senate, incorporating the town of Eutaw, in the county of Greene, was read the second time and ordered to a third reading.

Mr. Bell, from the committee on enrolled bills, reported as correctly enrolled:

An act to provide for the payment of jurors in certain counties therein named:

An act to enable the people of Henry county to locate the seat of justice in said county:

An act to change in part the mode of drawing grand and petit jurors for the counties of Dale, Henry and Coffee.

The House then adjourned.

JANUARY 16, 1845.

House met pursuant to adjournment.

A call of the House being moved and sustained the following members answered to their names:

Messrs.—Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Bell, Clarke, Cobb, Cook, Davis of F. Dufreese, Edwards, Fletcher, Garrett, Gewin, Grady, Griffin, Hays, Hill, Hobdy, Howard, Jackson, Jones of B. Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kimbell, King, Kittrell, Landsdale, Lea, Maples, Mason, Meriwether, Mitchell of B. Morrisett, Morrison, Mudd, Perrine, Perry, Portis, Roby, Rose, Scott of M. Seawell, Smith of L. Smith of M. Snowden, Steele, Stith, Watts of B. Watts of D. Webb, Williams of J. Winston and Young.

Mr. Kittrell, from the select committee, to whom was referred the resolution inquiring into the expediency of prohibiting the further introduction of slaves into this State except by actual emigrants or sellers, have had the same under consideration, and have instructed me to submit the following bill and report, and recommend their passage.

Your committee have given the subject that deep and anxious reflection to which its vast importance so justly entitles it, and in view of the existing, and still increasing evil growing out of the constant and rapid increasing number of slaves, which are being introduced into our State by emigrants, non resident, owners and traders, deem the subject one which imperatively calls for prompt and efficient legislation.

Your committee have not arrived at this conclusion without a proper sense of the delicacy of the subject, and a proper view of it in all its bearings. They do not feel it necessary on the present occasion to enter into an argument in defence of slavery. It is sufficient for us to know that it exists amongst us—that it is guarantied to us by the constitution under which we live—that it forms one of the features and conditions of our political compact—the highest judicial tribunals of our country have solemnly decided, that the exclusive control and management of the institution belongs to the States in which it exists to regulate, and control it as a matter of internal policy with those States, and is to be judged of by them as a matter of necessity—that it is perfectly within their constitutional competency to enact such laws and make such regulations as they may deem necessary, to the proper preservation and direction of said institution.

In fifteenth Peters, page five hundred and eight, *Groves et. al. v. Slaughter*, we find the following opinion delivered by Chief Justice McLane: "The power over slavery belongs to the States respectively. It is local in its character and its effects; and the transfer or sale of slaves cannot be separated from this power. It is indeed an essential part of it."

"Each State has a right to protect itself against the avarice and intrusion of the slave dealer—to guard its citizens against the inconveniences and dangers of a slave population."

"The right to exercise this power, is higher and deeper than the constitution. The evil involves the prosperity, and may endanger the existence of a State. Its power to guard against, or to remedy the evil rests upon the principle of self preservation; a law vital to every community, and especially to a sovereign State."

These being then settled constitutional principles, your committee would represent that in accordance with them most if not all of the Slave holding States have enacted laws to regulate and control the introduction of Slaves within their territory and otherwise remedy the evils arising from this source.

It is the opinion of your committee then, in the case under consideration, it resolves itself into one of expediency and necessity, to be determined by the circumstances.

That the constant and rapid introduction of slaves amongst us, particularly by non resident proprietors and traders is becoming an evil of serious magnitude it would be uncandid to deny. We are satisfied of the fact both from our personal knowledge, as well as from information contained in memorials from the sections of the State which feel most sensible the grievances. It may be expected that we enumerate some of the evils complained of from this source. The increase of slaves and the concentration of slave labor in the rich lands of our State, from the South Atlantic States, must soon, if not arrested by legislative interference, convert the fertile soil and sunny clime of that highly favored portion of our country into one vast unbroken negro quarter.

Already are the very foundations of society disturbed by it. Numbers of our valuable citizens of moderate estates have been driven from our borders by this cause, and those who yet remain, who once enjoyed the benefits and blessings of good society, must endure the privations and inconveniences brought about by this means, or else dispose of their lands at a sacrifice to those wealthy non residents, and seek a position free from those evils. Thus are they forced by causes which they cannot control to leave the land where are the attachments of their early life and the delightful recollections of their maturer years. Besides this evil, another though not so serious in a social or moral point of view, is still one of deep interest to us in a financial sense.

There is a large amount of our staple produced annually on those farms, and sold in Mobile and New York and other places, the proceeds of which are expended in other States to build up and beautify

their cities, and to add to their comfort and wealth, while the said owners are exempt from the performance of either civil or militia duty in our State, and from most of the burthens imposed on our own citizens. Your committee think under this state of things the non resident enjoys a monopoly of privilege contrary to the true spirit and genius of our institutions. Shall we, then, possessing as we do the conservative power, sit still and see this tide of ruin deluge our land and not lend a hand to stay its progress? Shall we fold our arms and mourn over a ruin which we might obviate by proper legislative interference? Shall we sit quietly and see our State annually drained of her wealth and her soil impoverished and exhausted, much of her valuable population banished from our borders, to seek a home in strange lands, among strangers? We trust not. Humanity and sound policy alike forbid it.

We are told as a compensation for these privations and inconveniences we are furnished with additional sources of taxation, your committee regard this as more specious than solid. We consider any advantage on that score as more than counterbalanced, from the fact of the depreciation in the price of our staple, from an excessive production, caused by a transfer of slave labor from the poor lands of the South-Atlantic States to the more genial climate and fertile lands of our region.

At a time like the present, when such a disproportion exists from this cause, between the supply and demand for our staple, it would seem any thing but good policy to add to the evil by a continued introduction of that kind of labor into the State on which we depend for the culture of this article. Your committee need not pursue this argument further, It is already felt with a painful force in those sections of our State where principally exists the evil complained of and sought to be remedied, and we think it addresses itself indirectly with a force that should not be disregarded, to those parts of our State where the slave population is sparse, and where they are proportionably exempt from these grievances. For our interests we conceive as citizens of the same State is so identified that all must share to some extent in any cause of policy that may affect us for weal or for woe. Your committee have not been able to satisfy themselves that it is within the constitutional competency of the legislature to reach the non residents proprietors who already has property amongst us, they would leave that an open question. But it is clearly the right to prevent an increase of the evils complained of by enacting laws inhibiting the further introduction of slaves into the State except in the manner provided for in the constitution, and your committee think that the true interests of the State and the happiness of her citizens would be promoted by the passage of such laws.

Your committee are aware that an apprehension exists with some, that any action of this kind on the part of our State, would be a concession to that spirit of ill directed and misguided philanthropy called *abolitionism*; which forgetful of its duties and requirements at home, is ever abroad seeking to dispense its charities. We are of opinion, that to refuse to act whenever a conviction of its necessity shall arise, would



be much more a concession to that wild and reckless spirit of fanaticism, which at all times deserves a rebuke at our hands.

We are of opinion that no such timidity as this should mark our counsels. That it would be unbecoming freemen, "who knowing their rights dare maintain them," That in our conduct on this, as on every other occasion, we should act without regard to that feeling, which in its practical operation would violate all right, outrage all feeling, crimson our very hearthstones with the blood of those most dear to us, and destroy the brightest and best hopes of every friend to peace and social order.

In view of these facts your committee would submit the following bill and recommend its passage.

The bill reported was read the first time and ordered to a second reading.

Message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed the following named bills, in which they ask the concurrence of the House of Representatives:

A bill for the relief of Jack Shackelford:

And a bill for the relief of Elizabeth D. Anderson, of Franklin county.

The Senate has also passed bills from the House of the following titles, to wit:

A bill to amend a certain act therein named, as to the requirements of its fifth section.

A bill to apportion the representatives amongst the several counties in this State, and to divide the State into Senatorial districts, amended as therein shown, in which the concurrence of the House is respectfully asked.

The Senate has also adopted the report of the committee on Federal relations from the House, on the resolutions of the State of Massachusetts and South Carolina; also,

Preamble and joint resolutions in relation to the Public Lands.

Mr. Perry moved to reconsider the vote taken on laying the amendment offered by Mr. Clemens to the bill to settle the affairs of the several Branch Banks in this State on the table.

The House refused to reconsider. Yeas 35—Nays 55:

YEAS—messrs. Aldridge, Allen of B. Baker, Bowdon, Brandor, Clay, Clemens, Cobb, Cook, Dunn, Edwards, Fletcher, Gewin, Griffin, Hall, Hays, Jackson, Jemison, Jones of Benton, Jones of Blount, Jones of Lawrence, Judge, Kimbell, Maples, McClung, Perry, Prince, Roby, Rose, Scott of J. Steele, Walker, Williams of J. Williams of M. and Young.

NAYS—messrs. Speaker, Alexander, Allen of B. Barnett, Baugh, Bell, Clarke, Cooper, Croom, Davis of F. Dufreese, Gamble, Garrett, Grady, Harris, Hill, Hobdy, Howard, Inge, Jones of C. Jones of F. Jones of Limestone, Kennedy, Kidd, King, Kittrell, Lansdale,

Lea, Martin, Mason, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Patton, Perrine, Phillips, Portis, Scott of M., Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb, Winston and Woodward.

Mr. McClung moved to suspend the rules in order to take up the bill to apportion the representatives amongst the several counties in this State, and to divide the State into Senatorial districts; which was carried. Yeas 49—Nays 39:

YEAS—messrs. Speaker, Aldridge, Allen of R. Baker, Baugh, Bowdon, Brandon, Chandler, Clay, Cobb, Davis of F. Fletcher, Gamble, Garrett, Griffin, Hays, Hobdy, Jackson, Jemison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Limestone, Lansdale, Lea, Maples, McClung, Merrick, Miree, Mitchell of B. Morrison, Perry, Phillips, Roby, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Walker, Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Alexander, Allen of B. Barnett. Bell, Clarke, Clemens, Cook, Cooper, Croom, Davis of Limestone, Dunn, Gewin, Grady, Hall, Harris, Hill, Howard, Jones of Lawrence, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Martin, Mason, Morrisett, Mudd, Patton, Perrine, Portis, Prince, Rose, Scott of M. Storrs, Treadwell, Watts of B. Watts of D. and Williams of M.

Mr. McClung moved to concur in so much of the amendment of the Senate as gives to the county of Perry one Senator; which was carried.

Mr. Dunn moved to concur in the residue of the amendment; which was lost. Yeas 24—Nays 64:

YEAS—messrs. Alexander, Barnett, Croom, Dunn, Grady, Griffin, Hall, Harris, Howard, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Mason, Morrisett, Perrine, Perry, Prince, Storrs, Watts of D. Williams of M. and Winston.

NAYS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Hays, Hill, Hobdy, Jackson, Jemison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B. Morrison, Mudd, Phillips, Portis, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Treadwell, Walker, Watts of B. Webb, Williams of J. Woodward and Young.

A message from the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
JANUARY 16, 1845. }

SIR—In obedience to a preamble and resolution adopted by the House of Representatives, on the fifteenth instant, I have the honor to send

herewith to your Honorable body, the sealed document specified in said preamble and resolution.

(Signed)

BEN. FITZPATRICK.

*To the Hon. A. B. Moore, Speaker of the House of Representatives.*

The documents transmitted by the Governor, were opened by the House of Representatives:

And on motion of Mr. Winston, deposited in the office of the Secretary of State.

Mr. Bowdon moved to reconsider the vote taken last night, on the motion to postpone indefinitely, the bill for the relief of Adam Love; which was carried.

Mr. Winston moved to take up the joint resolutions in regard to biennial sessions of the Legislature; which was lost.

Mr. Croom presented the petition of Claudius Jones, R. C. Randolph, S. Davis, and others, of the town of Greensboro; which was referred to the committee on corporations.

Mr. Croom introduced a bill to be entitled an act to alter and amend the several acts incorporating the town of Greensboro' in the county of Greene; which was read a first time and ordered to a second reading.

Mr. Judge introduced a bill to be entitled an act to fix the compensation of the Judge of the County Court of Lowndes county; which was read the first and second times and ordered to be engrossed.

Mr. Portis, from the select committee, on the sixteenth section fund, to whom was referred sundry petitions, &c., reported the same back to the House.

Ordered, that the report be laid on the table.

Mr. Clay introduced a bill to define the mode of proceedings against sheriffs, coroners, and their securities; which was read the first, second and third times and passed.

Mr. Kennedy presented the petition of sundry citizens of Marion county; which was referred to the committee on accounts.

Mr. Williams of M. introduced a bill to change the sitting of the Spring term of the Circuit Court for Montgomery county, and for other purposes; also,

A bill to authorize the Governor to remit a fine imposed on Peter Bezeman;

And a bill to incorporate the Fair Prospect Academy, in the County of Montgomery:

Which were severally read the first and second times, and ordered to be engrossed for a third reading.

Mr. Miree introduced a bill to amend the laws in relation to pleadings at common law; which was read the first and second times, and referred to the judiciary committee.

Mr. Stith introduced a bill to change the winter term of the County Court of Pickens county; which was read the first, second and third times and passed.

Mr. McClung presented the account of W. H. Robinson; which was referred to the committee on privileges and elections.

Mr. McClung introduced a bill making appropriations for the year eighteen hundred and forty-five; which was read the first and second times forthwith, and laid on the table.

Mr. Stith introduced a bill to incorporate the President and Trustees of the Franklin Seminary, in Pickens county; which was read the first time and ordered to a second reading.

Mr. Scott of J. moved to take up the bill from the Senate, making appropriations for payment of claims against the State; which was carried, and the bill read the first and second times, and referred to the committee on accounts.

Mr. Martin introduced a bill to authorize the Judge of the County Court and Commissioners of roads and revenue for Tuscaloosa county, to sell certain property therein named; which was read the first, second and third times and passed.

Mr. Martin presented the account of Wm. W. Barker and Joseph P. Turner; which was referred to the committee on accounts.

Mr. Woodward, from the select committee, to which<sup>o</sup> was referred a bill to secure to the Clerks and other officers of courts their fees in certain cases, and for other purposes, reported the same back with amendments.

The bill was then referred to the judiciary committee.

Mr. Jemison introduced a joint resolution in relation to indexing the Journals of the General Assembly; which was read a first, second and third times and passed.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate insists upon their amendments to the bill to apportion Representatives among the several counties in this State, and to divide the State into Senatorial Districts.

Mr. Martin, from the committee on the State Bank, to which was referred the resolution to inquire into and report to this House the amount due from each member of the Legislature to the State Bank and several Branches, reported a statement.

Mr. Watts of B. moved to lay the report on the table, and print five hundred copies.

A division of the question was called for—first, on laying on the table, and carried.

The question recurred on printing five hundred copies, and was lost.

Mr. Jones of Limestone, moved to suspend the rules to take up a resolution, prohibiting the introduction of new business; which was lost. Yeas 16—Nays 63:

YEAS—messrs. Cobb, Gamble, Hill, Inge, Jemison, Jones of Limestone, Judge, Kidd, Martin, Merrick, Patton, Phillips, Roby, Rose, Scott of J. and Spencer.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R.

Barnett, Baugh, Beck, Bowdon, Brandon, Chandler, Clarke, Clay, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Garrett, Gewin, Grady, Hall, Harris, Hobdy, Howard, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, King, Kittrell, Lansdale, Lea, Maples, Mason, McClung, Miree, Mitchell of B. Morrison, Mudd, Perrine, Perry, Portis, Prince, Scott of M. Smith of L. Smith of M. Snowden, Steele, Stith, Storrs, Walker, Watts of B. Watts of D. Webb, Williams of J. and Young.

Mr. McClung moved that the chair appoint a committee of conference, consisting of five members, on the apportionment bill; which was carried.

Mr. Hall, from the select committee, to which was referred the bill for the relief of the Creole population of the State of Alabama, reported the same back to the House and recommended its passage.

The House adjourned.

#### AFTERNOON SESSION, January 16, 1845.

House met pursuant to adjournment.

Mr. Speaker announced the committee of conference raised this morning on the bill to apportion Representatives among the several counties in this State.

Messrs. McClung, Lea, Phillips, Jemison and Walker, constitute said committee on the part of the House.

The House resumed the consideration of the special order, it being the bill to settle the affairs of the several Branch Banks of this State, the question pending on the amendment offered by Mr. Mudd.

Mr. Martin moved to lay the amendment to the amendment on the table.

A division of the question being called, it was first taken on laying the amendment to the amendment on the table, and carried. Yeas 75—Nays 5:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Croom, Davis of F. Davis of L. Dufreese, Dunn, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Harris, Hays, Hill, Hobdy, Howard, Inge, Jemison, Jones of Benton, Jones of Conecuh, Jones of F. Jones of Lawrence, Jones of Limestone, Judge, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Morrisett, Morrison, Patton, Perrine, Perry, Portis, Prince, Roby, Rose, Scott of M. Seawell, Smith of L. Smith of M. Snowden, Spencer, Steele, Stith, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston and Woodward.

NAYS—messrs. Baker, Cook, Edwards, Kimbell and Mudd.

The question was again divided, and was first taken on laying the first proviso of the amendment offered by Mr. Chandler on the table, and lost.

The question recurred on laying the second proviso in the amendment, offered by Mr. Chandler, on the table, and carried. Yeas 66—Nays 16:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Bell, Bowdon, Brandon, Chandler, Clay, Cook, Cooper, Croom, Davis of L. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Harris, Hays, Hill, Howard, Inge, Jackson, Jones of Benton, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kimbell, King, Lea, Maples, Martin, Mason, McClung, Merrick, Miree, Morrisett, Morrison, Patton, Perrine, Portis, Prince, Seawell, Smith of M. Snowden, Spencer, Steele, Storrs, Walker, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston and Woodward.

NAYS—messrs. Beck, Cobb, Davis of F. Jemison, Kittrell, Lansdale, Meriwether, Mudd, Perry, Roby, Rose, Scott of J. Smith of L. Speight, Stith and Treadwell.

Mr. Portis moved to amend the amendment as follows, by inserting “by note or bill, not having more than twelve months to run before maturity,” to come in after “extended.”

Mr. Williams of J. moved to lay the amendment on the table; which was carried. Yeas 61—Nays 17:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Croom, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Harris, Hays, Hill, Howard, Inge, Jackson, Jemison, Jones of Benton, Jones of F. Jones of Limestone, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mason, McClung, Miree, Morrisett, Morrison, Perrine, Prince, Roby, Scott of J. Seawell, Speight, Spencer, Steele, Stith, Storrs, Watts of B. Webb, Williams of J. and Williams of M.

NAYS—messrs. Cooper, Jones of C. Jones of Lawrence, Judge, Kennedy, Meriwether, Merrick, Mudd, Perry, Portis, Scott of M. Smith of L. Smith of M. Snowden, Treadwell, Watts of D. and Woodward.

The amendment being the first proviso of the amendment offered by Mr. Chandler, was then adopted. Yeas 71—Nays 12:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dunn, Gamble, Garrett, Gewin, Grady, Griffin, Harris, Hays, Hill, Hobdy, Jemison, Jones of Benton, Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mason, McClung, Merrick, Miree, Morrisett, Morrison, Perrine, Perry, Prince, Roby, Rose, Scott of J. Scott of M. Seawell,

Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of D. Webb, Williams of J. and Williams of M.

NAYS—messrs. Dufreese, Fletcher, Howard, Inge, Jones of C. Martin, Meriwether, Mudd, Patton, Portis, Watts of B. and Woodward.

Mr. Moore, (Mr. Lea in the Chair,) moved to amend by adding the words, "until the first day of June, eighteen hundred and forty-six," after the word "extended," in the third section;" which was adopted.

Mr. Jemison moved to amend as follows, by way of substitute, for the third section.

Sec. — *And be it further enacted*, That all the debts of whatsoever character or kind now due or falling due, by the first day of June next, which may be owing to the Bank of the State of Alabama, or any Branch Bank of the said Bank, shall by the Presidents and Directors of said Banks, immediately after the first day of June next, be put in suit, and judgment obtained thereon as early as the same can be done by due course of law, except in such cases as the debtor shall before the first day of June next, have paid one-third of the whole amount of his debt, including principal and interest; and in all cases when after commencement of suit, and before rendition of judgment, the debtor will come forward and pay one-third of his debt, inclusive of interest and cost of suit incurred, he shall be permitted to make such payment, and further proceedings in the case shall cease; and in all cases when one-third of the debt is paid as herein provided, the debtor shall be indulged on the remainder of the debt, until the first day of June, in the year eighteen hundred and forty-six: *Provided*, he shall give a new note payable at that time, to President and Directors of the Bank of State of Alabama, or order, with not less than two good and sufficient securities; and all new notes thus taken, shall be secured by all the names bound for the original debt, except when some of the parties have become notoriously insolvent, are dead, or removed from the country.

Sec. — *And be it further enacted*, That after judgment, any debtor to the State Bank or either of the Branch Banks, who shall file with the Cashier of the Bank, the written consent of his securities thereto, be entitled to a stay of execution until

|                            |                      |
|----------------------------|----------------------|
| by payment of one          | part of the judgment |
| provided in all cases, one | part of such         |

payment be made in specie, or funds equivalent thereto: *Provided*, the provisions of the foregoing sections shall apply only to such debts due the Banks as are marked good, agreeable to the classification thereof by the joint examining committee of the two Houses of the General Assembly at its present session, and to such of the debts classed doubtful, bad and unknown, as the President and Directors of the said Banks may deem it expedient to place in suit.

Sec. — *And be it further enacted*, That over that portion of indebtedness to their respective Banks classed doubtful, bad or unknown, the

Presidents and Directors shall have and exercise such discretion and control as they may deem for the best interest of the Banks and the State.

Sec. — *And be it further enacted*, That no partial payment shall be allowed on any bill purchased by the Bank of the State, or any bill or note received by said Bank, or either of the Branch Banks, when said bill or notes was purchased or received during the year eighteen hundred and forty-four, but all such bills or notes shall be paid in full, or if not so paid, sued upon immediately after maturity, and no stay of execution allowed in any case so sued upon.

A division of the question being called, it was first taken on striking out and lost. Yeas 27—Nays 58:

YEAS—messrs. Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Dunn, Fletcher, Gewin, Hall, Jackson, Jemison, Jones of Franklin, Jones of Lawrence, Judge, Kidd, Kittrell, McClung, Mudd, Perry, Prince, Scott of J. Scott of Macon, Steele, Walker, Williams of J. and Williams of M.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Cooper, Croom, Davis of F. Davis of L. Edwards, Gamble, Garrett, Grady, Griffin, Harris, Hays, Hill, Hobdy, Howard, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Limestone, Kennedy, Kimbell, King, Lansdale, Lea, Maples, Martin, Mason, Meriwether, Morrisett, Patton, Perrine, Portis, Rose, Seawell, Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb, Winston and Woodward.

The third section was then adopted.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to amend an act therein named, as to the requirements of its fifth section.

A message from the Senate, by Mr. Mariast:

Mr. Speaker—The Senate has appointed messrs. Hudson, Posey, Watrous, Walker of L. and Dougherty, a committee of conference on the part of the Senate, to act with the committee appointed on the part of the House to confer together in relation to the disagreement between the two Houses on the apportionment bill.

The House adjourned.

#### NIGHT SESSION, January 13, 1845.

The House met pursuant to adjournment.

Mr. Winston moved to suspend the rules in order to introduce a resolution; which was carried:

Thereupon, Mr. Winston introduced the following resolution; which was adopted:

*Resolved*, That the Clerk of this House be authorized to employ such assistants as may be necessary to carry on the business of the session:



*Provided*, said assistants shall not be paid more than three dollars per day.

Mr. Miree presented the account of N. McMullen; which was referred to the committee on accounts.

Mr. McClung, from the select committee, to whom was referred a bill for the relief of Sally Clopton, reported the bill back with amendments, and recommended its passage.

The amendments were concurred in, and the bill read the third time and passed.

Mr. Lansdale, from the special committee, to whom was referred a bill to prevent the poisoning of fish in the water courses running through the counties of Barbour and Pike, and for other purposes, reported the same back to the House, and recommended its passage.

The bill was then ordered to be engrossed for a third reading.

Mr. Jackson, from the committee on propositions and grievances, to whom was referred the petition of Edward G. Musgrove and Rachael Musgrove; reported,

A bill for the relief of Rachael Musgrove, of Walker county, and recommended its passage.

The bill was read the first time and ordered to a second reading.

Mr. Jackson, from the same committee, to whom was referred a bill to emancipate a certain slave therein named, in Autauga county: also a petition upon the same subject, reported the same back to the House, and recommended its passage.

The bill was ordered to be engrossed for a third reading.

Mr. Cobb, from the select committee, composed of the delegation from the county of Jackson, to whom was referred the petition of the Jackson County Guards; reported,

That they feel proud of the spirit, chivalry and patriotism, that has prompted the officers and privates of said company, and feel animated at the recollection that the volunteers of Jackson county, are, and now as ever heretofore, have been ready and willing to act efficiently at the first tap of the drum. No fatigue or toil too much for them too bear, in aiding to repel a foe, or protect the invaded sister country. Yet with all this before us, and as much more, and as much more could be correctly said if necessary, in eulogizing our friends and soldiery of Jackson. Still there is another duty we owe to other citizens of our county. Recognizing the right of our citizens to petition for redress of these grievances in the fullest extent; but must in view of all this owing to other petitions and sentiments of the county of Jackson, expressing their desire to increase their road list, we feel in duty bound to report that we deem it inexpedient to grant the prayer of the Jackson County Guards, and not expedient to legislate thereon, and beg leave to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Edwards, from the select committee, to which was referred a bill to reduce the pay and mileage of the members of the General Assem-

bly of the State of Alabama, and for other purposes, made the following report:

That although the pressure of the times would seem to indicate that the *per diem* pay of the members of the General Assembly should be reduced, yet the circumstances which cannot but force themselves upon the consideration of your committee, greatly counterbalance the arguments in favor of the proposition. The members of the Legislature are compelled to leave their homes, their families and their business, for from six to nine weeks, and deprived of the comforts and enjoyments of home, they are forced to submit to heavy expenses at the seat of government—expenses which are as great now, if not greater than heretofore. The pittance of four dollars per day, your committee are advised, does not meet the actual necessary expenses of a large majority of the members of General Assembly. In addition to these arguments, your committee would call the attention of the House to the provision of the constitution, which declares that all classes of the State shall be entitled to representation; the poorer classes are largely in the majority.

If the *per diem* pay is reduced to an amount which is insufficient to defray the expenses necessarily attendant on a winter's residence at the Capitol, many men, who willing to serve the people faithfully and competent to serve them ably, will, from their pecuniary situation, be compelled to deprive themselves of the honor, and their people the advantage which might arise from their services. Higher authority than this House has declared, that "the laborer is worthy of his hire;" and past experience teaches us, that the hire is not adequate to the labor performed.

In view of these facts, the committee report, that in their opinion, it is inexpedient to legislate on the subject, and asked to be discharged from the further consideration of the same.

The House refused to concur in the report. Yeas 31—Nays 32:

**YEAS**—messrs. Alexander, Allen of R. Barnett, Bell, Chandler, Cooper, Davis of L. Dufree-e, Gamble, Grady, Harris, Hill, Hobdy, Jones of Blount, Jones of C. Jones of F. Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, McClung, Merrick, Miree, Scott of M. Seawell, Snowden, Walker and Watts of B.

**NAYS**—messrs Speaker, Aldridge, Allen of B. Bowdon, Cobb, Davis of F. Edwards, Fletcher, Griffin, Hall, Hays, Howard, Inge, Jackson, Jemison, Jones of Benton, Jones of Lawrence, Maples, Mason, Meriwether, Patton, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Speight, Steele, Storrs, Winston and Young.

Mr. Edwards moved to lay the report and bill on the table.

A division of the question was called.

The question was first taken on laying the report on the table, and carried.

The question recurred on laying the bill on the table, and carried. Yeas 35—Nays 30:

**YEAS**—messrs. Alexander, Allen of R. Barnett, Bell, Chandler, Cooper, Davis of L. Edwards, Gamble, Garrett, Grady, Griffin, Harris, Hill, Hobdy, Jones of Conecuh, Jones of Franklin, Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, McClung, Miree, Patton, Prince, Scott of M. Seawell, Snowden, Speight, Walker, Watts of B. and Young.

**NAYS**—messrs. Speaker, Aldridge, Allen of B. Bowdon, Cobb, Davis of F. Dufreese, Fletcher, Hall, Hays, Howard, Inge, Jackson, Jemison, Jones of Ben. Jones of Blount, Jones of Lawrence, Maples, Mason, Merriwether, Merrick, Perrine, Perry, Phillips, Portis, Roby, Rose, Steele, Storrs and Winston.

Mr. Judge moved to reconsider the vote referring the bill, to authorize the Sheriff of Marion county to collect tax; which was carried.

The bill was ordered to be engrossed for a third reading.

Mr. Phillips, from the select committee, to which was referred the bill organizing the board of Commissioners of roads and revenue, in the county of Mobile, reported the bill with amendments, and recommended its passage.

The amendment was concurred in.

Mr. Prince moved to postpone the bill indefinitely; which was lost.

The bill was ordered to be engrossed to a third reading.

Mr. Jones of Benton, introduced a bill in relation to the rescission of a certain contract of purchase of a part of a sixteenth section, in township fifteen, range nine, in Benton county; which was read the first time and ordered to a second reading.

The bill for the relief of Adam Lowe, was taken up.

The House refused to order the bill to a third reading.

Mr. Bowdon called up the resolution offered by him, proposing to amend the rules, so as to require the House to set until ten o'clock, P. M.

Mr. Fletcher moved to amend by striking out "ten," and inserting "eleven."

Mr. Howard moved to adjourn; which was lost. Yeas 21—Nays 35:

**YEAS**—messrs. Speaker, Allen of B. Bell, Chandler, Cooper, Davis of F. Dufreese, Fletcher, Grady, Hall, Harris, Howard, Jackson, Kennedy, Mason, Meriwether, Patton, Phillips, Snowden, Steele, Storrs and Walker.

**NAYS**—messrs. Aldridge, Alexander, Allen of R. Bell, Cobb, Davis of L. Edwards, Gamble, Hays, Inge, Jemison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kimbell, King, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Perrine, Perry, Portis, Prince, Rose, Scott of M. Watts of B. and Young.

Mr. Lea moved the previous question on the resolutions; which was sustained.

The resolution was then adopted. Yeas 35—Nays 21:

**YEAS**—messrs. Speaker, Aldridge, Alexander, Allen of R. Bowdon, Cook, Cooper. Davis of F. Davis of L. Edwards, Fletcher, Hill, Inge, Jemison. Jones of Ben. Jones of Blount. Jones of C. Jones of F. Jones of Lawrence, Judge, Kimbell, King, Kittrell, Lea, Maples, Merrick, Perrine, Portis, Prince, Rose, Scott of M. Snowden and Watts of B

**NAYS**—messrs Barnett, Bell, Chandler, Dufreese, Grady, Hall, Harris, Hays, Howard, Jackson, Kennedy, Lansdale, Mason, McClung, Meriwether, Patton, Phillips, Seawell, Steele, Storrs, Walker and Young.

And the House adjourned.

JANUARY 17, 1845.

House met pursuant to adjournment.

Mr. Jones of — gave notice that he should move to reconsider the vote on the resolution offered by Mr Bowdon, in regard to night sessions.

Mr. Phillips moved to take up the messages from the Senate; which was carried.

The bill from the Senate to amend the law on the subject of the trial of the right of property.

The bill from the Senate to compensate jurors summoned to try contested wills:

The bill from the Senate to regulate the compensation to the Secretary of State, for certain services therein named:

Were severally read the first and second times, and referred to the committee on the judiciary.

The bill from the Senate for the relief of the citizens of township sixteen, range nine, east, in Benton county; was read the first and second times, and referred to the committee on the sixteenth section fund.

The bill from the Senate to change the time of holding the County Court of Greene county; was read the first and second times:

And Mr. Kittrell moved to amend by proviso; which was adopted, and the bill read the third time and passed.

The engrossed bill to incorporate the trustees of the Bethel Church and Seamen's Home, was taken up, and the amendments to the same by the Senate concurred in.

The engrossed bill to incorporate the trustees of the Bishop's Fund in the Diocese of Alabama, was taken up, and the amendments by the Senate thereto concurred in.

The bill from the Senate for the relief of Philip Phillips, was read the first time and ordered to be laid upon the table.

The bill from the Senate for the relief of Moses W. Simmons, of Talladega county; was read the first time and ordered to a second reading.

The bill from the Senate to amend the laws in relation to contracts in certain cases, was read the first time and ordered to a second reading.

The bill from the Senate the more effectually to secure the collection of debts against corporations, was read the first time and ordered to a second reading.

The bill from the Senate to vest in Ruthy S. Brown, wife of David Brown, of Tuscaloosa county, certain rights and privileges therein named, and for other purposes, was read the first, second and third times and passed.

The bill from the Senate for the relief of Martha Richardson, of Greene county, was read the first time and ordered to a second reading.

The bill from the Senate for the relief of Mrs. Mahulda Childress, was read the first time and ordered to a second reading.

The bill from the Senate for the relief of Thomas G. A. Cox, was read a first and second times and referred to the committee on the State Bank and Branches.

The engrossed bill to compel certain persons therein named, to work on public roads in Blount and Jackson counties, was taken up, and the amendments thereto by the Senate concurred in.

The bill from the Senate for the relief of James Ward, of Henry county, was read first time and ordered to a second reading.

The engrossed joint resolutions from the Senate for the relief of James V. Robinson, was read a first time and ordered to a second reading.

The bill from the Senate for the better regulation of so much of the fourth division, Alabama militia, as lies within the city of Mobile, was read the first time and ordered to a second reading.

The bill from the Senate to compensate the President of the State Bank for certain services, was read the first and second times, and referred to the committee on the State Bank and Branches:

The bill from the Senate to incorporate the Girard Rail Road Company, was read the first time and ordered to a second reading.

The bill from the Senate authorizing the Judge of the County Court of Jackson county, and commissioners of roads and revenue, to perform certain duties therein named, was read the first time and ordered to a second reading.

The bill from the Senate for the relief of Elizabeth Oats, of Henry county, was read the first time and ordered to a second reading.

The bill from the Senate to enable John L. Townes, guardian of the minor heirs of Joseph Compton, deceased, late of the county of Franklin, to purchase lands for the use and benefit of said minor heirs:

The bill from the Senate to authorize Edward Cunningham, to be and remain in the State of Alabama, were severally read the first, second and third times and passed.

The bill from the Senate to amend the several laws now in force incorporating Demopolis, in Marengo county, was read the first time and ordered to a second reading.

The House took up the joint resolutions in regard to biennial sessions

of the Legislature, the question pending on the amendment of the Senate.

Mr. Davis of L. moved to strike out "yea and nay," in the first amendment, and insert "removal or no removal;" which was adopted.

The amendments as amended were concurred in. Yeas 61—Nays 30:

YEAS—messrs. Speaker, Allen of B. Allen of R. Barnett, Beck, Bowdon, Chandler, Clay, Clemens, Cobb, Cook, Dufreese, Dunn, Edwards, Gamble, Garrett, Grady, Griffin, Hall, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jones of Benton, Jones of C. Jones of F. Judge, Kidd, Kimbell, King, Lansdale, Lea, Maples, Mason, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Patton, Portis, Prince, Rose, Scott of J. Scott of M. Seawell, Smith of L. Snowden, Speight, Steele, Storrs, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston and Young.

NAYS—messrs. Aldridge, Alexander, Baker, Baugh, Bell, Brandon, Clarke, Croom, Davis of F. Davis of L. Fletcher, Harris, Jemison, Johnson, Jones of Lawrence, Jones of Limestone, Kennedy, Kittrell, Martin, McClung, Meriwether, Mitchell of T. Mudd, Norman, Perrine, Perry, Smith of M. Spencer, Stith, and Woodward.

The hour of twelve having arrived, the House proceeded to the consideration of the special order, it being the bill to settle the affairs of the several Branch Banks in this State.

Mr. Morrisett moved to amend by striking out the fourth section, and inserting the following:

*And be it further enacted*, That in all judgments now existing, or which may be rendered before the first day of June next, in favor of said Bank and Branch Banks, the President and Director shall be authorized to suspend execution thereon for \_\_\_\_\_ months, on payment of all costs and interest, and one-third of the principal paid judgments: *Provided*, all the parties to said judgments will file their assent to the suspension in writing in the Bank or Branch Banks before such suspension shall be granted: *And provided further*, that when the securities in any judgment are dead, or removed beyond the jurisdiction of this State, the principal defendant shall be allowed to extend the same on the terms above stated, by giving ample and additional security for the balance by mortgage or personal security to the satisfaction of the President and Directors of the Bank or Branch Banks, to which the said judgments may be owing: *And provided*, that all judgments in favour of said Bank and Branches, shall continue a lien, and continue to bind the property of the defendants in preference to all judgments afterward rendered against the same defendants."

A division of the question being called, it was first taken on striking out and carried.

Mr. Walker moved to strike out the last proviso in the amendment; which was lost. Yeas 18—Nays 71:

YEAS—messrs. Bowdon, Brandon, Clemens, Cook, Davis of Lime-

stone, Fletcher, Gewin, Hall, Jones of Limestone, Judge, Kidd, Kimbell, Perry, Portis, Smith of M. Walker, Williams of M. and Young.

NAYS—messrs. Speaker, Aldridge, Allen of B. Barnett, Baugh, Beck, Bell, Chandler, Clarke, Clay, Cobb, Cooper, Croom, Davis of F. Dufreese, Dunn, Gamble, Garrett, Grady, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jenison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Norman, Patton, Perrine, Prince, Smith of L. Williams of J. Winston and Woodward.

Mr. Moore, (Mr. McClung in the chair) moved to amend by inserting the words "now existing, or which may be rendered before the first day of June next," after the word "judgments;" which was carried.

Mr. Bowdon moved to amend the amendment as follows :

*And provided further,* That in case the original securities be dead, insolvent, or refuse to give their consent for such extension, then the principal debtor shall be permitted to extend his indebtedness under the provisions of this act, by giving two or more securities of unquestionable solvency.

Mr. Morrisett moved to lay the amendment on the table; which was carried. Yeas 57—Nays 30:

YEAS—messrs. Speaker, Aldridge, Allen of B. Baker, Barnett, Baugh, Beck, Bell, Brandon, Chandler, Clay, Croom, Davis of F. Dufreese, Dunn, Gamble, Grady, Harris, Hays, Hill, Hobdy, Howard, Inge, Jones of Conecuh, Jones of Lawrence, Kennedy, King, Kittrell, Lansdale, Maples, Martin, Mason, McClung, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Perrine, Portis, Prince, Rose, Scott of J. Scott of M. Seawell, Smith of L. Snowden, Speight, Spencer, Stith, Treadwell, Watts of B. Watts of D. Webb and Woodward.

NAYS—messrs. Bowdon, Clarke, Clemens, Cobb, Cook, Davis of L. Fletcher, Garrett, Gewin, Hall, Jenison, Johnson, Jones of Benton, Jones of Blount, Jones of F. Judge, Kidd, Kimbell, Mitchell of T. Norman, Patton, Perry, Smith of M. Steele, Storrs, Walker, Williams of J. Williams of M. and Young.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed the following bills from the House of Representatives, to wit:

A bill to incorporate the Bay Minette Manufacturing Company:

A bill to locate permanently the county site for Coffee county, and other purposes:

A bill for the relief of Philip Phillips, Esq :

And a bill for the relief of John Garner.

The Senate has also adopted a joint memorial to the Congress of the United States, on the subject of a national foundry at the South.

The House adjourned.

## AFTERNOON SESSION, January 17, 1845.

House met pursuant to adjournment.

Mr. Judge moved to reconsider the vote taken this morning, on the amendment of the Senate to the joint resolution, proposing to have biennial sessions of the Legislature, and was carried. Yeas 57—Nays 28:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Baugh, Bell, Brandon, Chandler, Clarke, Clay, Cobb, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Gamble, Hall, Harris, Hobdy, Jemison, Johnson, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kimbell, King, Lansdale, Maples, Martin, Mason, Meriwether, Merrick, Mitchell of T. Morrison, Mudd, Perrine, Portis, Prince, Roby, Seawell, Smith of M. Snowden, Stith, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Allen of R. Bowdon, Clemens, Cook, Cooper, Croom, Fletcher, Grady, Griffin, Hill, Hays, Howard, Inge, Jones of Benton, Jones of F. Kittrell, Miree, Mitchell of B. Morrisett, Patton, Rose, Scott of J. Scott of M. Smith of L. Speight, Spencer, Steele and Williams of M.

Mr. Clemens moved to concur in the amendment.

Mr. Speaker decided that the motion was in order, and that it was not necessary to read the amendment on three several days.

Mr. Judge appealed from the decision of the chair, and on the question, "Shall the chair be sustained," the vote stood—Yeas 48—Nays 38:

YEAS—messrs. Allen of B. Allen of R. Barnett, Bowdon, Brandon, Chandler, Clay, Clemens, Cook, Cooper, Croom, Davis of L. Edwards, Fletcher, Gamble, Garrett, Grady, Griffin, Hays, Hill, Hobdy, Howard, Inge, Jones of Ben. Jones of Blount, Jones of F. Lansdale, Maples, Merrick, Miree, Mitchell of B. Morrisett, Patton, Prince, Rose, Scott of J. Scott of M. Smith of L. Smith of M. Speight, Spencer, Steele, Storrs, Watts of D. Williams of J. Williams of M. Woodward and Young.

NAYS—messrs. Aldridge, Alexander, Baker, Baugh, Beck, Bell, Clarke, Cobb, Davis of F. Dufreese, Dunn, Gwin, Hall, Harris, Jemison, Johnson, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kimbell, King, Kittrell, Martin, Mason, Meriwether, Mitchell of T. Morrison, Mudd, Perrine, Portis, Roby, Seawell, Snowden, Stith, Watts of B. Webb and Winston.

Mr. Cooper moved to reconsider the vote taken last night, adopting the resolution offered by Mr. Bowdon, proposing that the House should set until ten o'clock, P. M.

The vote was reconsidered.

Mr. Williams of M. moved to suspend the special order, to take up the joint resolutions in relation to biennial sessions of the Legislature; which was carried.



On motion of Mr. Williams of m. the resolutions were made the special order for to-morrow, at eleven o'clock.

The House resumed the consideration of the special order, it being the bill to settle the affairs of the several Branch Banks of this State—the question pending on the amendment offered by Mr. Morrisett.

Mr. Watts of B. moved to amend the amendment, by inserting the words “mortgages and deeds of trust,” after the word “judgments,” in the last proviso; which was adopted.

The amendment as amended was then adopted.

Mr. Moore, (Mr. Clemens in the chair,) moved to amend, as follows:

*Be it further enacted*, That no Bank debtor shall be entitled to the provisions of the third section of this act, until he or she has filed the written consent of his or her securities to such extension, in the Bank where the same is applied for: *Provided*, said securities be living or residing within the limits of the State of Alabama: *And provided further*, that one fifth of the amount required to be paid in specie by said third section, be paid in specie

A division of the question being called, it was first taken on the adoption of the amendment down to the word “Alabama,” inclusive; which was carried

Mr. Martin moved to lay the residue of the amendment on the table; which was carried. Yeas 62—Nays 21:

YEAS—messrs Aldridge, Allen of B. Barnett, Beck, Bowdon, Brandon, Clarke, Clay, Clemens, Cobb, Cooper, Davis of L. Dunn, Fletcher, Gamble, Gewin, Grady, Griffin, Hall, Harris, Hays, Hobdy, Howard, Jackson, Johnson, Jones of Blount, Jones of C. Jones of Lawrence, Judge, Kennedy, Kimbell, King, Maples, Martin, Mason, Meriwether, Mitchell of B. Morrison, Mudd, Norman, Patton, Perrine, Portis, Prince, Roby, Scott of J. Smith of L. Smith of m. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Williams of m. Winston, Woodward and Young.

NAYS—messrs. Speaker, Allen of R. Baker, Bell, Chandler, Cook, Croom, Davis of F. Edwards, Garrett, Hill, Inge, Jones of Limestone, Kidd, Kittrell, Lansdale, Merrick, Mitchell of T. Morrisett and Scott of m.

Mr. Inge moved to amend as follows:

*Be it further enacted*, That all debts falling due during the year eighteen hundred and forty five, and after the first day of June eighteen hundred and forty-five, may be extended according to the provisions of the third section of this act: *Provided*, the same be done within thirty days after the same may become due:” which was adopted.

Mr. Stith moved to strike out the word “several,” in section five, and insert “said Bank and” which was carried.

Mr. Watts of B. moved to amend as follows:

“And upon those becoming due, after the first day of June eighteen

hundred and forty-five, and in said year within thirty days after the same becomes due;" which was adopted.

Mr Chandler moved to amend as follows, to come in at the end of the fifth section:

" *Provided*, the institution of such suits does not interfere with or violate any agreement or contract made by the said Banks with their debtors, previous to the passage of this act," which was adopted.

Section five as amended was adopted.

Mr. Brandon moved to amend as follows:

Strike out section six, and insert:

"That all cases marked bad and doubtful, shall be placed in the hands of trustworthy agents, who shall be chosen in the following manner, viz: the member of the Legislature of each county shall nominate, or recommend, the name or names of some suitable person or persons of their respective counties, to the General Assembly, from which name or names, the two Houses shall proceed to elect by joint vote an agent for each county in this State, in which they may think an agent necessary; and before said agents shall enter upon the duties required of them, they shall give bond with good and sufficient security, payable to the Governor and his successors in office, to be approved of by the President and Directors, conditioned for the faithful performance of said trust, and said agents shall have full power to collect, compound and secure said debt or debts, on the best possible terms, by giving time or suing when in their opinion the interest of the Bank or Banks require it.

*Provided however*, that in no case where suits is brought, unless expressly directed by the Bank, shall the State be liable for costs; and said agents shall be required to make settlements with the respective Banks placing business in their hands, at least once in every six months, paying over all moneys collected and showing the manner in which they may have compounded or settled any debt or debts to them intrusted, and said agents shall be allowed and receive as compensation for their services ————— per cent on all sums by them collected or secured, and no more; to be paid out of the moneys so collected or secured "

Mr. Moore moved to lay the amendment on the table; which was carried. Yeas 42—Nays 41.

YEAS—messrs. Speaker, Barnett, Beck, Bowdon, Chandler, Cooper, Davis of F. Dufrees, Dunn, Gamble, Grady, Hall, Harris, Hill, Howard, Inge, Johnson, Jones of C. Jones of Lawrence, Jones of Limestone, King, Kittrell, Lausdale, Martin, Mason, Miree, Mitchell of B. Mitchell of T. Morrison, Mudd, Perrine, Portis, Prince, Rose, Smith of L. Smith of M. Snowden, Spencer, Stith, Treadwell, Watts of B. and Woodward.

NAYS—messrs. Aldridge, Alexander, Allen of B. Allen of R. Baker, Baugh, Bell, Brandon, Clarke, Clemens, Cook, Cobb, Croom, Edwards, Fletcher, Garrett, Gewin, Griffin, Hays, Hobdy, Jackson,

Jones of Benton, Jones of T. Judge, Kennedy, Kidd, Kimbell, Maples, Merrick, Patton, Perry, Roby, Scott of J. Scott of M. Speight, Steele, Storrs, Watts of D. Williams of J. Williams of M. and Young.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has this day approved bills of the following titles:

An act to incorporate the Dadeville Academy, in the county of Tallapoosa:

An act to change in part the mode of drawing grand and petit jurors for the counties of Henry, Dale and Coffee:

An act to amend a certain act therein named, as to the requirements of its fifth section:

An act for the relief of Cynthia R. Merritt:

An act for the relief of Thomas E. Montgomery.

Also joint resolution authorizing the Governor to loan tents and camp equipage to certain volunteer companies therein named:

Which originated in the House.

And the House adjourned.

#### NIGHT SESSION, January 17, 1845.

House met pursuant to adjournment.

Mr. Kimbell moved to take up a bill for the relief of Joseph C. Rawles, which was carried, and the bill ordered to be engrossed for a third reading.

The engrossed bill for the relief of tales jurors, in Pickens county:

The engrossed bill to incorporate the town of Union, in the county of Greene:

The engrossed bill to prevent the poisoning of fish in the water courses running through the counties of Barbour and Pike, and for other purposes:

The engrossed bill to emancipate a certain slave therein named:

The engrossed bill to alter the organization of the Board of Commissioners of Roads and Revenue, in the county of Mobile:

Were severally read the third time and passed:

The engrossed bill to authorize the Governor to remit a fine imposed on Peter Bozeman, was read the third time.

Mr. Jemison moved to lay the bill on the table; which was carried.

The bill from the Senate to authorize the erection of a mill dam across Big Wills Creek and its tributaries in DeKalb county, was read a third time and passed.

The engrossed bill to repeal an act entitled an act to alter and define the northern boundary line of East Wetumpka:

The engrossed bill from the Senate to repeal in part an act therein named, as to De Kalb county:

The bill from the Senate, to authorize the Judge of the County Court of Wilcox county and Commissioners of Roads and Revenue in said county, to levy a county tax not exceeding fifty per cent. on the State tax in said county:

The bill from the Senate, to authorize the receiving of all legal claims against the counties of Henry and Dale, in payment of county taxes:

The bill from the Senate, to compensate tales jurors in Wilcox county:

The engrossed bill to authorize Jack Demery to emancipate certain slaves therein named:

Were severally read a third time and passed.

The engrossed bill for the relief of Weeks Pippin, of Henry county, was read a third time.

Mr. Mudd moved to postpone the bill indefinitely; which was lost, and the bill then passed.

The engrossed bill entitled an act to levy a special tax in Pike county; was read a third time and passed.

The engrossed bill to authorize Lewis T. Greene to build a mill on the Coosa river, was read the third time.

Mr. Cooper moved to postpone the bill indefinitely; which was lost, and the bill was then passed. Yeas 38—nays 33:

YEAS—messrs. Baker, Beck, Bowdon, Brandon, Cobb, Cook, Edwards, Fletcher, Gamble, Griffin, Hill, Inge, Jackson, Jones of Blount, Jones of Franklin, Kennedy, Kidd, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Morrison, Perry, Portis, Rose, Scott of Macon, Snowden, Speight, Spencer, Steele, Storrs, Treadwell, Walker, Williams of J. Winston and Woodward.

NAYS—messrs. Aldridge, Alexander, Allen of — Barnett, Bell, Chandler, Clarke, Cooper, Croom, Davis of F. Dunn, Grady, Hall, Harris, Hays, Howard, Jemison, Johnson, Jones of Benton, Jones of Conecuh, Jones of Lawrence, Kimbell, King, Mudd, Norman, Perrine, Phillips, Seawell, Stith, Watts of B. Watts of Dallas, Webb, and Young.

The engrossed bill to regulate the issuing of executions by justices of the peace in the county of Benton:

The engrossed bill for the relief of Joel Hurley and Nathan Waters of Pike county:

The engrossed bill to authorize Edmund Wiggins to erect a toll bridge over Chattahoochee river, in Coffee county, at Geneva:

The engrossed bill to compensate Wm. Hawn, Cashier of the Bank of the State of Alabama, for servant hire, for the use of said Bank:

The engrossed bill for the benefit of the Pentlala Van Guards:

The engrossed bill to establish an additional beat in the county of Montgomery:

The engrossed bill for the relief of John S. Brooks:

The engrossed bill to change the sitting of the spring term of the Circuit Court of Montgomery county:

The engrossed bill for the relief of Clement Joseph, of Mobile county:

The engrossed bill to change the time of summoning jurors in the Circuit and County Courts of Limestone county:

The engrossed bill for the relief of Sarah Fonville and Eliza Billingslea:

The engrossed bill to authorize Thomas Hollingsworth to establish a ferry on Coosa river, in Cherokee county:

The engrossed bill for the relief of Charles J. Barnett, of Pike county:

The engrossed bill to incorporate the Philomathic Society, of the University of Alabama:

And the the engrossed bill for the relief of Parker S. Beasley, of Montgomery county:

Were severally read the third time and passed.

The engrossed bill for the relief of Sarah Blankenship, of Marshall, and Mary Ann Armstrong, of Montgomery, and Adeline Smith of Dale county, was read the third time.

Mr Hobdy moved to amend by extending the provisions of the bill to Elizabeth A. Lea, wife of Tobias Lea, of Dale county, and Mary Hardin, wife of John Hardin, of Dale county.

The amendment was adopted and the bill passed.

The engrossed bill to authorize the Judge of the County Court and Commissioners of Roads and Revenue, of Randolph county, to levy and collect a special tax:

The engrossed bill for the relief of Edmund B. Cody:

Were severally read the third time and passed.

The bill from the Senate, to provide for the support of paupers in the county of Chambers, was read the third time.

Mr Cook moved to amend by extending the provisions of the act to the county of Lowndes.

The amendment was adopted, and the bill passed.

The bill from the Senate, incorporating the town of Eutaw, in the county of Greene, was read the third time and passed.

The caption was amended.

The engrossed bill to authorize the sheriff of Marion county to collect taxes, was read the third time and passed.

The engrossed bill to fix the compensation of the judge of the County Court of Lowndes county, was read the third time.

The House refused to pass the bill. Yeas 31—Nays 44:

YEAS—messrs. Chandler, Clarke, Cook, Cooper, Croom, Dunn, Eddy, Hall, Harris, Hill, Hobdy, Howard, Jemison, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Mason, Morrisett, Padd, Perrine, Phillips, Prince, Snowden, Storrs, Walker, Watts of D. H. Winston.

**NAYS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Beck, Bell, Bowdon, Cobb, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Griffin, Hays, Inge, Jackson, Jones of Ben. Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Lea, Maples, McClung, Merrick, Morrison, Perry, Portis, Roby, Seawell, Speight, Spencer, Steele, Stith, Treadwell, Webb, Williams of J. Woodward and Young.

The engrossed bill to incorporate Fair Prospect Academy, in the county of Montgomery, was read the third time and passed.

The bill for the relief of Dory Ann B. Taylor, wife of Henry Taylor, of Talladega county, was read a second time and ordered to be engrossed for a third reading.

The bill to incorporate the Dallas Male and Female Accademy, in the town of Selma, was read a second time.

Mr. King moved to amend the bill by authorizing said Academy to confer degrees, &c.

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Jones of F. moved to reconsider the vote on the passage of the bill to change the time of summoning jurors for Limestone county; which was carried. Yeas 49—Nays 16.

**YEAS**—messrs. Speaker, Alexander, Barnett, Brandon, Cobb, Cooper, Croom, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Garrett, Grady, Griffin, Hall, Hays, Hill, Jackson, Jones of Benton, Jones of Blount, Jones of F. Jones of Law. Kennedy, Kimbell, Kidd, Kittrell, Lansdale, Maples, McClung, Morrisett, Morrison, Mudd, Perry, Phillips, Portis, Roby. Scott of M. Seawell, Steele, Stith, Treadwell, Watts of B. Watts of D. Webb, Winston, Woodward, and Young.

**NAYS**—messrs. Aldridge, Allen of B. Baker, Bowdon, Clarke, Gamble, Harris, Howard, Jemison, Jones of C. King, Perrine, Prince, Snowden, Speight, and Spencer.

Mr. Jones of F. moved to amend by extending the provisions of the bill to the counties of Franklin and Lawrence.

And the House adjourned.

JANUARY 18, 1845.

House met pursuant to adjournment.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill to authorize the acting officers of the Selma Rangers to execute a bond for a portion of the arms of the State and for other purposes:

A bill to amend an act to incorporate the Alabama, Florida and Georgia Rail Road Company:

A bill to authorize the Commissioners of the Town of Dadeville, to dispose of the unsold lots of said Town:

Also joint resolutions authorizing Samuel C. Oliver to draw and receipt for the pay of Richard C. Bunting, deceased, late a member of the House of Representatives, from the county of Montgomery:

In which the concurrence of the House is respectfully asked.

The Senate has also passed the following named bills from the House of Representatives:

A bill for the relief of Levi Freeman:

A bill to permit the Captain's company in beat number fourteen, eighteenth regiment, Alabama militia, to remain a company with a less number of privates than forty:

A bill to authorize the erection of a toll bridge or public ferry across Big Will's creek, and for other purposes:

A bill to incorporate the Franklin Academy, in the county of Russell:

A bill to amend an act incorporating Uniontown, in the county of Perry, approved, twenty-third December, eighteen hundred and thirty-six:

A bill to legalize a certain marriage therein named:

A bill to incorporate the town of Carrollton, in Pickens county:

A bill to permit the taking of testimony by deposition, in the counties of Monroe, Clarke and Washington and reciprocally in the county and city of Mobile:

A bill to authorize the establishment of a Medical College at Wetumpka:

A bill to divide the forty eighth regiment, Alabama militia:

All of which passed without amendment.

The following bill has passed, amended as therein shown, in which the concurrence of the House is asked:

A bill to prohibit tax collectors from speculating in county claims, and for other purposes:

A bill to authorize the court of roads and revenue, of Butler county, to levy a county tax.

A message from the Governor, by Mr. Garrett:

EXECUTIVE DEPARTMENT, }  
JANUARY 18, 1845. }

*To the Speaker of the House of Representatives:*

Sir—A bill to be entitled an act, for the relief of the purchasers of a certain sixteenth section, in the county of Barbour, which originated in the House of Representatives, was on the sixteenth instant presented to this Department for my approval.

The bill recites a complete contract between John Daniel, Levi C. Daniel, Benjamin F. Daniel and Martha Daniel, and the school Com-

missioners of section sixteen, in township thirteen, and range twenty-eight, in the county of Barbour. It further declares that the contract be rescinded and annulled, and provides that the notes executed by the parties are null and void, on delivery of the notes to the payors of their order.

The bill further provides, that all the rents, rights, profits, and title to said section, shall revert and belong to the inhabitants of said township, in as full, perfect and complete a manner, as if no sale had been made; with a proviso, that two thirds of the qualified voters of said township consent to the same.

The agreement or contract made between the parties, for the purchase of the sixteenth section in question, is not thus attempted to be set aside, so far as appears from the bill, for the want of consideration from, or any other alleged matter, that would vitiate a contract.

The provisions contained in the bill, however fully empowers two thirds of the qualified voters in the township to annul the contract, without the consent of the purchasers, and even against their wishes. To thus divest the purchasers of their right to the property, without their consent, or against their wishes, would be, as I conceive, depriving them of the shield thrown around all contracts in the constitution.

The nineteenth section of the first article of the constitution declares that no *ex post facto* law, nor law impairing the obligation of contracts, shall be made. To delegate powers to two thirds of the township specified, to annul the contract as provided in the bill, would be, as I conceive, in direct conflict with the provisions of the constitution just referred to.

Entertaining this belief, and with great deference for the wisdom of your Honorable body, I am constrained to return the bill to the House of Representatives, with the foregoing as my reasons for withholding my assent.

(Signed)

BEN. FITZPATRICK.

Mr. Dufreese introduced a bill providing for taxing of prosecutors with costs in malicious or frivolous prosecutions; which was read the first time and ordered to a second reading.

Mr. Cooper presented the petition of sundry citizens of Cherokee county, in regard to the location of the county site of said county; which was laid on the table.

Mr. Smith of L. presented a communication from James Irvine, James H. Weakly, and T. J. Foster, late Tennessee Canal Commissioners, in relation to the iron which had been removed from said Canal.

Ordered, that the communication lie on the table.

Mr. Smith of L. also introduced joint resolutions, in regard to the Tennessee Canal; which was read the first, second and third times and passed.



Mr. Davis of L. introduced a bill for the relief of Mary W. Martin, of Limestone county; which was read the first time and ordered to a second reading.

Mr. Clemens introduced a bill to exempt the real and personal estate of the State Bank and Branches from taxation; which was read the first, second and third times and passed.

Mr. Barnett presented a petition for the relief of A. Johns, a convict in the Penitentiary; which was referred to the committee on the Penitentiary.

Mr. Barnett introduced a bill to incorporate Salem Camp Ground, and for other purposes; which which was read the first time and ordered to a second reading.

Mr. Kittrell introduced a bill to perfect titles to a certain tract of land, in the county of Marengo; which was read the first and second times.

The hour of eleven having arrived, the House took up the special order—it being the resolution of the General Assembly in regard to biennial sessions of the Legislature, and the amendment of the Senate thereto.

Mr. Williams of M. moved to reconsider the vote taken yesterday, on the appeal of Mr. Judge from the decision of the chair, in which the chair held, that the question was on concurring in the amendment of the Senate to the joint resolutions, in relation to biennial sessions, and that although said amendment proposed a distinct amendment to the constitution; it was not necessary that it should be read on three several days.

The vote on the appeal was reconsidered. Yeas 71—Nays 13:

YEAS—messrs. Aldridge, Barnett, Baugh, Beck, Bell, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Dufreese, Dunn, Edwards, Fletcher, Gamble, Gewin, Grady, Hall, Harris, Hill, Hobdy, Jackson, Jamison, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Mason, McClung, Meriwether, Merrick, Mitchell of F. Morrisett, Mudd, Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Rose, Scott of M. Seawell, Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Alexander, Bowdon, Brandon, Clemens, Davis of F. Garrett, Griffin, Hays, Howard, Jones of Limestone, Lea, Mitchell of B. and Smith of L.

Mr. Judge withdrew his appeal and the chair believing such to be the sense of the House, ruled that the question was on ordering the amendment of the Senate to a second reading.

Mr. Judge moved to reconsider the vote adopting the amendment offered by Mr. Davis of L. to the amendment of the Senate.

The hour of twelve having arrived,

Mr Judge moved to suspend the special order that the House might proceed with the joint resolutions; which was lost. Yeas 37—Nays 47:

**YEAS**—messrs. Barnett, Bell, Brandon, Chandler, Cobb, Cooper, Davis of L. Gamble, Garrett, Gewin, Grady, Griffin, Hall, Hobdy, Jackson, Jones of Benton, Judge, Kidd Kimbell, Kittrell, Mason, McClung, Merrick, Norman, Phillips, Prince, Rose, Scott of M. Seawell, Snowden, Steele, Storrs, Webb, Williams of J. Williams of M. and Winston.

**NAYS**—messrs. Speaker, Allen of B. Allen of R. Baker, Baugh, Beck, Clarke, Clemens, Cook, Croom, Davis of F. Dufrese, Dunn, Fletcher, Harris, Howard, Inge, Jemison, Johnson, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, King, Lansdale, Lea, Martin, Meriwether, Mitchell of B. Mitchell of F. Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Portis, Smith of L. Smith of M. Spright, Spencer, Stith, Treatwell, Watts of B. Watts of D. and Young.

The House resumed the consideration of the special order it being the bill for the final settlement of the several Branch Banks in this State.

Mr Chandler moved to amend by way of proviso, as follows, to come in at the end of section six.

*“Provided the said settlement or compromise be approved and sanctioned by the President and Directors of the said Bank or Branch Banks.”*

Mr. Griffin moved to lay the amendment on the table; which was lost, and the amendment was adopted.

Mr. Moore moved to amend the sixth section by adding the words “in the county in which the debtor resides,” after the word “select;” which was carried.

Mr. Smith of M. moved to amend the sixth section, by striking out the words “and in the judgment of said President and Directors, considered desperate;” which was lost.

The sixth section was then adopted.

Mr. McClung moved to reconsider the vote just taken; which was carried Yeas 63—Nays 18:

**YEAS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Cooper, Croom, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hall, Hobdy, Howard, Inge, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Kidd, King, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Morrisett, Mudd, Norman, Patton, Perrine, Rose, Scott of M. Smith of L. Smith of M. Snowden, Steele, Stith, Storrs, Watts of B. Watts of D. Webb, Williams of J. Woodward and Young.

**NAYS**—messrs. Clemens Cook, Jackson, Jemison, Johnson, Jones

of L. Judge, Kimbell, Martin, Meriwether, Mitchell of B. Portis, Prince, Seawell, Speight, Spencer and Williams of M.

Mr. McClung moved to reconsider the vote refusing to strike out the words "and in the judgment of said President and Directors considered desperate."

The vote was reconsidered and the words stricken out.

Mr. McClung moved to strike out "shall," and insert "may;" which was adopted.

The sixth section was adopted.

And the House adjourned.

#### AFTERNOON SESSION, January 18th, 1845.

The House met pursuant to adjournment.

Mr. Winston introduced the following resolution; which was adopted:

*Resolved*, that so much of the rules of the House as requires this House to meet at seven and adjourn at nine o'clock p. m. be suspended in its operation as to this night.

The House resumed the consideration of the special order.

Mr. Jones of C. moved to strike out "Branch" in section seven; which was carried.

"In each case the Bank Attorney shall receive a tax of six dollars, which shall be in full compensation for all services required of such attorney."

Mr. Williams of M. moved to lay the amendment on the table; which was carried. Yeas 47—Nays 19:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Brandon, Cook, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Griffin, Harris, Hays, Howard, Inge, Johnson, Jones of C. Jones of Limestone, Kennedy, Kimbell, Landsdale, Maples, Martin, Mason, Meriwether, Morrisett, Mudd, Patton, Snowden, Speight, Spencer, Steele, Stith, Watts of B. Watts of D. Webb, Williams of M. Winston, Woodward and Young.

NAYS—messrs. Chandler, Clarke, Croom, Hall, Hill, Jackson, Jones of F. Jones of Lawrence, Judge, King, Kittrell, Mitchell of B. Perrine, Perry, Portis, Prince, Roby, Rose and Storrs

Mr. Jones of F. moved to amend the seventh section as follows:

*Provided* that if the tax fees thus allowed shall not amount to one thousand dollars, then the Bank shall pay to such attorney a sum that will when added to such tax fees amount to one thousand dollars, the excess shall be paid over for the use of the Bank."

Mr. Williams of J. moved to lay the amendment on the table; which was carried.

Mr. Seawell moved to amend as follows:

"And the Clerk of each and every court in which suits may be

brought in favor of said Banks, within twenty days after the adjournment of any such court, to make a full, complete and separate report of the condition of each and every suit pending or decided in such court, to the President and Directors of the several Banks, which may have suits in such court."

Mr. Martin moved to lay the amendment on the table; which was carried.

Section seven was then adopted.

Mr. Chandler moved to amend section eight, by inserting "during the year eighteen hundred and forty-five" after "proper;" which was carried.

Mr. Watts of B. moved to amend by inserting "as now provided by law," after "notice" in section eight; which was carried.

Section eight was then adopted.

Mr. Davis of F. moved to strike out "either for cash," in section nine and inserting "one third cash and the balance;" which was carried.

Mr. Chandler moved to amend by striking out section nine, and inserting the following:

"*Be it further enacted*, that the President and Directors of the said Banks shall sell the real estate belonging to said Banks, either at public or private sale, at such time during the year eighteen hundred and forty-five as they shall deem most expedient: *Provided*, that in all cases of sale, three fourths of the amount at which the land was valued be obtained, and the terms of sale and payment be the same as are provided in the act approved the twenty-first day of January, eighteen hundred and forty three;" which was adopted.

Mr. Smith moved to amend the amendment, by inserting after "Banks" "except such such as is situated in the city of Mobile."

Mr. Moore moved to lay the amendment on table; which was carried. Yeas 74—Nays 8;

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Chandler, Cobb, Croom, Davis of F. Davis of L. Dufreese, Dunn, Fletcher, Gamble, Garrett, Grady, Griffin, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, Meriwether, Merrick, Mitchell of B. Morrisett, Mudd, Norman, Patton, Perrine, Perry, Phillips, Portis, Roby, Rose, Scott of M. Seawell, Snowden, Speight, Spencer, Steele, Walker, Watts of B. Watts of D. Webb, Williams of J. Winston, Woodward and Young

NAYS—messrs. Clay, Cook, Hall, Kidd, McClung, Prince, Smith of L. and Smith.

The amendment was adopted.

Section ten was adopted.

Mr. Moore moved to amend as follows, by way of proviso to section nine:

*And provided further,* That said real estate be sold for specie or specie funds.

Mr. Inge moved to lay the amendment on the table; which was lost. Yeas 18—Nays 64:

YEAS—messrs. Clarke, Clay, Davis of L. Hall, Inge, Johnson, Jones of Lawrence, Martin, Mitchell of B. Mudd, Norman, Perry, Prince, Stith, Walker, Watts of B. Winston and Woodward.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clemens, Cook, Croom, Davis of F. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Limestone, Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mason, McClung, Merrick, Patton, Perrine, Phillips, Portis, Roby, Rose, Scott of M. Seawell, Smith of L. Snowden, Speight, Spencer, Watts of D. Webb, Williams of J. Williams of M. and Young

The amendment was adopted.

Mr. Jones of Limestone moved to amend by additional section, as follows:

*And be it further enacted,* That the Directors shall perform the duties of both Directors and Clerks in their respective Banks, and no other Clerk shall be employed in any of said Banks, unless in case of absolute necessity.

Mr. Davis of F. moved to lay the amendment on table; which was carried. Yeas 61—Nays 20:

YEAS—messrs Speaker, Alexander, Barnett, Baugh, Beck, Bell, Bowdon, Chaudler, Clarke, Cook, Croom, Davis of F. Davis of L. Dufreese, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hill, Hobdy, Howard, Inge, Jackson, Johnson, Jones of C. Jones of F. Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Mason, Merrick, Mitchell of B. Mudd, Norman, Patton, Perrine, Phillips, Portis, Roby, Rose, Seawell, Smith of L. Speight, Spencer, Steele, Stith, Storrs, Walker, Watts of D. Webb, Williams of J. Williams of M. Winston and Woodward.

NAYS—messrs Aldridge, Allen of B. Allen of R. Clay, Cobb, Edwards, Harris, Hays, Jones of Benton, Jones of Blount, Jones of Limestone, Judge, Maples, McClung, Perry, Prince, Scott of M. Snowden, Watts of B. and Young.

Mr. Martin moved to amend section eleven, as follows:

“That the President of the Bank of the State of Alabama, shall be allowed \_\_\_\_\_ dollars for his salary, and each Director the sum of \_\_\_\_\_ dollars.

The President of the Branch Bank at Montgomery shall be allowed \_\_\_\_\_ dollars annually, for his salary.”

Mr. Davis of F. moved to amend the amendment by inserting, “and the Directors of said Branch Bank \_\_\_\_\_ dollars each;” which was adopted.

The amendment as amended was adopted.

Mr. Jones of Limestone. moved to amend by striking out section eleven, and inserting the following:

“That the compensation of the President and Directors of the several Banks shall be the same as now provided by law.”

Which was adopted.

Mr. McClung moved to strike out section twelve; which was carried.

A message from the Governor, by Mr. Garrett:

Mr Speaker—His Excellency the Governor, has approved bills of the following titles:

An act for the benefit of Mrs. Casey Sneed, of Limestone county:

An act for the support of paupers, in the county of Randolph:

An act for the payment of jurors, in certain counties therein named:

Which originated in this House.

Mr. Dufreese moved that the House do now adjourn; which was carried Yeas 55—Nays 22:

YEAS—messrs Speaker, Alexander, Allen of B. Baker, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clarke, Clay, Cobb, Cook, Croom, Davis of F. Dufreese, Edwards, Fletcher, Gwin, Harris, Hill, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Limestone, Judge, Kennedy, Kimbell, King, Lansdale, Maples, Martin, Mason, McClung, Patton, Perry, Phillips, Prince, Roby, Seawell, Snowden, Steele, Stith, Storrs, Watts of D. Webb, Williams of J. Williams of M. and Young.

NAYS—messrs Aldridge, Barnett, Davis of L. Dunn, Gamble, Grady, Hall, Hays, Howard, Johnson, Jones of Lawrence, Kittrell, Lea, Merrick, Morrisett, Mudd, Perdue, Portis, Rose, Scott of M. Speight, Watts of B. and Woodward.

The House adjourned.

JANUARY 20, 1845.

House met pursuant to adjournment.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill to attach a part of the county of Monroe to the county of Clarke:

A bill to authorize Eli E. Gaither to erect a mill on the west bank of the Coosa river:

A bill to assess and collect a county tax, for Russell county:

A bill for the relief of Silas C. Dumas, of Wilcox county:

A bill to amend the charter of the city of Tuscaloosa:

A bill to alter and amend the military laws of this State:

In which they ask the concurrence of the House of Representatives:

The Senate has also passed the following named bills from the House of Representatives without amendment:

A bill to regulate the pay of jurors, in Butler county:

A bill to amend an act, to incorporate the Howard College in Marion, Perry county:

A bill to permit the Jackson County Guards to remain a body corporate, with a less number of privates than forty, and for other purposes:

An act for the benefit of Elizabeth Tier:

An act to incorporate the Mobile and Baldwin county Manufacturing Company:

A bill to incorporate the town of Polkville, in Benton county:

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed bills of the following titles, to wit:

A bill to regulate the duties of executors and administrators in certain cases:

A bill to limit the time of holding the County Court of Tuscaloosa county.

In which the concurrence of the House of Representatives is respectfully asked.

Mr. Walker moved to take up the resolution proposing to adjourn *sine die*, on the twenty-fifth instant; which was carried.

Mr. Clemens moved to postpone the resolution until Saturday next; which was carried. Yeas 55—Nays 35:

YEAS—Messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Bowdoin, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Crook, Davis of L. Dufresne, Dunn, Edwards, Fletcher, Garrett, Grady, Harris, Hill, Howard, Inge, Jones of Blount, Jones of C. Jones of Limestone, Kidd, King, Kirtred, Linsdale, Maples, Martin, Mason, McKing, Meriwether, Morrissett, Morrison, Patton, Perrine, Portis, Rose, Scott of M. Smith of L. Snowden, Smith, Stone, Treadwell, Watts of D. Webb, Williams of M. Woodward and Young.

NAYS—messrs. Allen of R. Bell, Brandoe, Davis of F. Gamble, Gwin, Griffin, Hall, Hays, Hobdy, Jackson, Johnson, Jones of Benton, Jones of B. Jones of Lawrence, Judge, Kennedy, Lea, Merrick, Miree, Mitchell of B. Mudd, Norman, Perry, Prince, Roby, Scott of J. Seawell, Smith of M. Speight, Spencer, Steele, Walker, Williams of J. and Winston.

Mr. Scott of J. from the committee on accounts, to whom was referred the bill for the relief of Daniel Cribbs, Sheriff of Tuscaloosa county, reported that it was inexpedient to pass the bill.

Mr. Martin moved to lay the report on the table; which was carried.

The House refused to order the bill to be engrossed for a third reading. Yeas 17—Nays 57:

YEAS—messrs. Allen of R. Brandon, Clay, Cooper, Davis of F.

Garrett, Gewin, Jemison, Jones of Limestone, Martin, McClung, Meriwether, Mitchell of T. Morrison, Scott of mar. Smith of L. and Stith.

**NAYS**—messrs. Speaker, Aldridge, Allen of B. Baker, Barnett, Beck, Chandler, Clarke, Cobb, Croom, Davis of L. Edwards, Fletcher, Gamble, Grady, Griffin, Hall, Harris, Hays, Hill, Jackson, Johnson, Jones of Ben. Jones of Blount, Jones of C. Jones of F. Jones of Law. Judge, Kidd, Kimbell, King, Lansdale, Lea, Maples, Mason, Merrick, Miree, Mitchell of B. Morrisett, Mudd, Perrine, Perry, Prince, Roby, Rose, Scott of J. Smith of M. Snowden, Speight, Spencer, Treadwell, Watts of D. Webb, Williams of J. Williams of M. Winston and Young.

Mr. Scott of J. from the committee on accounts, reported,

A bill for the payment of certain claims against the State; which was read the first and second times, and made the special order for Wednesday next, at ten o'clock.

The hour of eleven having arrived, the House resumed the consideration of the special order it being the amendment of the Senate to the joint resolutions proposing an amendment to the Constitution, so as to have biennial sessions of the Legislature.

The amendment was read the first time, ordered to a second reading, and made the special order for to-morrow at eleven o'clock.

The engrossed bill to establish monthly Courts and jury trials in Justice's Courts in the county of Pickens, and to regulate the proceedings therein, was read the third time.

Mr. Stith moved to amend by additional sections, which was adopted.

And the bill passed.

The engrossed bill to prevent the hiring of negroes in certain cases, and for other purposes, was read the third time.

Mr. Davis of F. moved to amend by way of engrossed rider, as follows:

*"Provided, That before any person shall be liable under this act, it shall be in proof that such person was knowing to the existence of such law."*

Mr. Hill moved to lay the amendment on the table: which was carried.

The engrossed bill to establish and abolish certain election precincts therein named, was read the third time and passed.

The engrossed bill to amend the Penal code, was read the third time.

Mr. Rose moved to fill the blank with "ten thousand;" which was carried.

The bill passed.

The engrossed bill to amend the laws heretofore enacted for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, was read the third time and passed.

The engrossed bill to reduce the rate of salvage on bales of cotton, was read the third time and passed.



The engrossed joint resolutions proposing an amendment to the Constitution, so as to give the election of County Court Judges to the people, was read the third time.

Mr. Jones of C. moved to amend by additional section; which was adopted.

The House refused to pass the joint resolutions. Yeas 51—Nays 37:

YEAS—messrs. Allen of R. Barnett, Bell, Clarke, Cobb, Cook, Cooper, Croom, Davis of F. Edwards, Garrett, Grady, Hall, Harris, Hill, Hobdy, Howard, Inge, Jackson, Johnson, Jones of Benton, Jones of C. Jones of Lawrence, King, Kittrell, Lansdale, Maples, Mason, Merrick, Miree, Mitchell of B. Morrisett, Patton, Perrine, Portis, Prince, Roby, Scott of M. Smith of L. Snowden, Spencer, Steele, Treadwell, Walker, Watts of D. Webb, Williams of M. Winston, Woodward and Young.

NAYS—messrs. Aldridge, Alexander, Baker, Beck, Bowdon, Brandon, Chandler, Clay, Clemens, Dufreese, Dunn, Fletcher, Gamble, Griffin, Hays, Jemison, Jones of Blount, Jones of F. Kidd, Lea, Martin, McClung, Meriwether, Mitchell of T. Morrison, Mudd, Norman, Perry, Phillips, Scott of J. Seawell, Smith of M. Speight, Stith, Storrs, Watts of B. and Williams of J.

The hour of twelve having arrived, the House resumed the consideration of the special order, it being the bill to settle the affairs of the several Branch Banks in this State.

Mr. Inge moved to amend as follows:

*Be it further enacted*, That in all cases where a special contract has been made with any debtor of said Bank or Branches, taking the particular case out of the operation of the general extension laws heretofore passed, and giving to said debtor a longer to pay his debt, it shall not be lawful for such debtor to take the benefit of this law: but in all such cases it shall be the duty of said President and Directors, to place the debt in suit unless the same or the several instalments of the same be promptly paid at maturity."

Which was adopted.

Mr. Jemison moved to amend as follows:

Sec. — *And be it further enacted*, That immediately after the passage of this act, it shall be the duty of the Cashier of the Branch of the Bank of the State of Alabama, at Decatur, to transfer to the President and Directors of the Branch of the Bank of the State of Alabama, at Huntsville, in their corporate capacity, all the bills, bonds, notes, accounts, debts and securities of every description, due or payable at the Branch of the Bank of the State of Alabama at Decatur, not then in judgment or in suit, and to deliver the same to the Cashier of the Branch of the Bank of the State of Alabama at Huntsville, and to deliver to said Cashier all the cash on hand, whether in specie, or in notes or bills, of any other Bank, and to check in favor of said Cashier for all sums of money that the said Branch Bank at Decatur, may have on deposit, or to its credit in any other Bank, whether in or out of the State, and whether

the money to the credit of the said Branch Bank at Decatur, be in specie, Bank notes, or other evidences of debt, and he shall also deliver to the Cashier of the said Branch Bank at Huntsville, all the books and papers belonging to the said Branch Bank at Decatur, and the iron chests and safes for securely keeping the funds of the said Bank.

Sec. — *Be it further enacted*, That the President and Directors of the Branch Bank at Huntsville, shall collect the said notes, bills, bonds, accounts, debts and securities, so transferred in the same manner, and under the exercise of the same discretion, as if said notes, bills, bonds, accounts, debts and securities had been contracted at or made payable to the said Branch Bank at Huntsville, and shall when they deem it necessary, bring suits for the recovery of the said debts, whether due by note, bill, bond, or account, or in any other manner in the corporate name of the Branch Bank of the State of Alabama, at Huntsville; and that the President of the Branch Bank at Huntsville, shall in such cases make the certificates required by law of the President of the Branch Bank at Decatur in order to obtain judgment thereon in a summary way.

Sec. — *And be it further enacted*, That all suits which may be pending in the name of the President and Directors of the Branch Bank at Decatur, at the time of the transfer herein directed, shall be continued in their name until the final judgment be rendered in a County or Circuit Court, or in the Supreme Court, and that the name of the said Branch Bank at Decatur shall be used and continued in all executions and final process, until the money due upon the judgments which may be obtained in suits pending at the time of the transfer, and upon all which shall have been obtained in favor of the said President and Directors before the transfer herein directed; and that the President and Directors of the Branch Bank at Huntsville, shall collect the money due upon said judgments, and exercise the same discretion and control over the said judgments as if they had been obtained in the name of the said President and Directors of the Branch Bank at Huntsville; and that it shall be the duty of the Cashier of the Branch Bank at Decatur to furnish the Cashier of the Branch Bank at Huntsville, a list of all suits which may be pending at the time of the transfer, and also of all judgments which shall have been obtained by the Branch Bank at Decatur, and which shall not have been satisfied, and also a statement of their situation and condition.

Sec. — *And be it further enacted*, That it shall be the duty of the President and Directors of the Branch Bank at Huntsville to have the account of the notes, bills and other evidence of debts, and of the funds, suits and judgments transferred as herein required, kept separate from the accounts of the Branch Bank at Huntsville, so that the state and condition of each of the said Branch Banks may be known by itself and not blended one with the other, and for this purpose they shall have power to employ a competent clerk at a salary of \_\_\_\_\_ who shall keep the books and accounts of the Branch Bank at Decatur

thus transferred but under the direction and control of the President and Directors of the said Branch Bank at Huntsville or of the Cashier of said Branch Bank.

Sec. — *And be further enacted*, That immediately after the passage of this act, the President and Directors of the Branch Bank at Decatur shall convey by a proper deed to the President and Directors of the Branch Bank at Huntsville, all the lands, tenements and hereditaments, vested in them in their corporate capacity, in the same manner as they are holden by them; and that the President and Directors of the Branch Bank at Huntsville, shall sell, vest and control the same in the same manner as they do the lands already holden by them, agreeable to the laws now in force, or which may hereafter be passed for that purpose, and that they shall cause all the furniture of the Branch Bank at Decatur, except the iron chests and safes, to be sold either at public or private sale, and upon such terms as they may think expedient.

Sec. — *And be it further enacted*, That immediately after the transfer herein directed all the duties of the President and Directors and officers of the said Branch Bank at Decatur, shall cease and determine, and that the corporate name of said Branch Bank shall be used only for carrying on suits already commenced, and for the purpose of collecting the money which may be due on judgments already obtained, and in such cases as may be necessary to protect and secure the payment of the notes, bills, bonds, debts and other securities herein required to be transferred by the said Branch Bank at Decatur to the said Branch Bank at Huntsville.

Sec. — *And be it further enacted*, That from and after the passage of this act, all the notes, bills, bonds, choses in action, and all other liens, assets and securities of whatever character or kind belonging to the Branch of the Bank of the State of Alabama at Decatur shall by virtue of this act, vest in the Branch of the Bank of the State of Alabama at Huntsville, and be under the direction and control of the President and Directors of the said Branch Bank at Huntsville, to the same extent as the assets and securities now held and owned by said Branch Bank at Huntsville.

Sec. — *And be it further enacted*, That the President and Directors of the Branch of the Bank of the State of Alabama at Huntsville, shall by the appointment of a competent agent for that purpose, make necessary and suitable provisions to have such notes, bills, and other debts and securities as are running to maturity, and payable at the Branch of the Bank of the State of Alabama at Decatur, duly presented for acceptance and payment, and if not accepted or paid, to have the same (when it may be necessary to bind any of the parties regularly) protested which the agent shall do under the discretion and control of the President and Directors of the Branch Bank at Huntsville, and such agent shall receive a compensation not exceeding

per annum, and said agent shall give bond with good and sufficient security in the sum of \_\_\_\_\_ dollars payable

to the Branch of the Bank of the State of Alabama at Huntsville, conditioned for the faithful performance of the duties of his appointment.

Mr. Walker moved to lay the amendment on the table; which was carried. Yeas 55—Nays 38:

YEAS—messrs. Speaker, Alexander, Allen of R. Baker, Barnett, Bell, Croom, Davis of F. Davis of L. Gamble, Gewin, Grady, Griffin, Hall, Harris, Hill, Hobdy, Howard, Inge, Jackson, Jones of Conecuh, Jones of F. Jones of Lawrence, Jones of Limestone, King, Kittrell, Lansdale, Lea, Maples, Martin, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Norman, Patton, Perry, Perrine, Portis, Roby, Rose, Scott of J. Scott of M. Seawell, Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. and Woodward.

NAYS—messrs. Aldridge, Allen of B. Beck, Bowdon, Brandon, Chandler, Clarke, Clay, Clemens, Cobb, Cooper, Dufreese, Edwards, Fletcher, Garrett, Hays, Jemison, Johnson, Jones of Benton, Jones of Blount, Judge, Kidd, Kimbell, Mason, McClung, Meriwether, Mitchell of T. Mudd, Prince, Smith of L. Smith of M. Watts of D. Webb, Williams of J. Williams of M. Winston and Young.

Mr. Bowdon moved to amend as follows:

*And be it further enacted*, That the President and Directors of the Bank of the State of Alabama, shall prepare as soon as practicable one hundred thousand dollars, in bills of said Bank of the denomination of one dollar; seventy thousand of the denomination of two dollars; fifty thousand of the denomination of three dollars; and thirty thousand of the denomination of four dollars; one hundred thousand dollars of the denomination of five dollars; one hundred thousand of the denomination of ten dollars; and it is hereby made the duty of the President and Directors of the said Bank to give the bills required to be prepared by this act, in exchange for bills issued by the said Bank or any of its Branches, for the purpose of change, whenever application shall be made by persons holding bills on said Bank or Branches.

Mr. Howard moved to lay the amendment on the table; which was carried. Yeas 69—Nays 16:

YEAS—messrs. Aldridge, Alexander, Baker, Barnett, Beck, Bell, Brandon, Chandler, Clarke, Clay, Clemens, Cook, Cooper, Croom, Davis of F. Dufreese, Dunn, Edwards, Fletcher, Gamble, Grady, Hall, Harris, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, King, Kittrell, Lansdale, Lea, Maples, Mason, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Norman, Perrine, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Webb, Williams of J. and Woodward.

NAYS—messrs. Allen of B. Allen of R. Bowdon, Cobb, Garrett, Gewin, Hays, Judge, Kidd, Kimbell, McClung, Prince, Scott of M. Williams of M. Winston and Young.

Mr. Moore moved to amend as follows:

*“Be it further enacted, That the President and Directors of the Bank of the State of Alabama, are hereby authorized and required to make provision for the payment of the interest on the State Bonds, issued on account of said State Bank and each of its Branches, and any funds in either of said Banks, or in the State Treasury, not otherwise appropriated, shall be subject to the control and management of said Directors for this purpose: Provided, the consent of the Governor to such provision be first obtained.”*

Which was adopted.

Mr. Stith moved to amend the amendment as follows:

*“Provided further, That the said President and Directors shall not purchase any bill of exchange or other paper security with the bills of the said Bank or Branches.”*

Mr. Moore moved to lay the amendment to the amendment on the table; which was carried. Yeas 66—Nays 17:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Harris, Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Jones of Conecuh, Jones of Franklin, Jones of Limestone, Kimbell, King, Kittrell, Lansdale, Lea, Maples, McClung, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Patton, Portis, Rose, Scott of J. Smith of L. Snowden, Speight, Spencer, Steele, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Clarke, Hall, Howard, Jones of Lawrence, Judge, Kidd, Martin, Mudd, Norman, Perrine, Perry, Prince, Scott of Macon, Smith of M. Stith, Storrs, and Walker.

Mr. Watts of B. moved to amend the amendment by adding the word “specie,” before the word funds; which was lost.

The amendment was adopted.

Mr. Davis of L. moved the previous question; which was sustained.—Yeas 51—Nays 31:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Beck, Croom, Davis of F. Davis of Limestone, Edwards, Gamble, Garrett, Harris, Hays, Howard, Inge, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Mudd, Patton, Perrine, Perry, Portis, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Treadwell, Walker, Winston and Woodward.

NAYS—messrs. Barnett, Bell, Brandon, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Dufreese, Dunn, Fletcher, Hall, Hill, Jemison, Jones of F. Jones of Limestone, Judge, Kidd, Mitchell of T. Morrison, Norman, Prince, Scott of M. Steele, Stith, Watts of B. Watts of D. Williams of J. Williams of M. and Young.

The bill was ordered to be engrossed for a third reading. Yeas 61—  
Nays 24:

YEAS—messrs. Speaker, Aldridge, Alexander. Allen of R. Baker, Barnett, Beck, Bell, Chandler, Clarke, Cooper, Croom, Davis of F. Davis of L. Dufree-c, Gamble, Garrett, Grady, Harris, Hill, Hobdy, Howard, Inge, Johnson, Jones of Benton, Jones of C. Jones of F. Jones of Limestone, Kimbell, King, Kittrell. Lausdale, Lea, Maples, Martin, Meriwether, Merrick. Miree, Mitchell of B. Morrisett, Morrison, Mudd. Patton. Perrine, Portis, Rose. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Stith, Storrs, Treadwell, Watts of B. Watts of D. Winston, Woodward and Young.

NAYS—messrs Bowdon, Brandon, Clay, Cobb, Cook, Dunn, Edwards, Fletcher, Hall, Hays, Jemison, Jones of Blount, Jones of Lawrence, Judge, Kidd, McClung, Mitchell of T. Perry, Prince, Scott of J. Steele, Walker, Williams of J. and Williams of M.

#### AFTERNOON SESSION, January 20th, 1845.

The House met and took up the next special order, it being the bill to raise a revenue for the support of the State Government.

Mr. Howard moved to postpone until to-morrow at eleven o'clock.

The House then took up the next special order, it being the bill to regulate the rights of husband and wife in regard to property.

Mr. Stith moved to postpone the bill until Wednesday next, and make it the special order for that day; which was carried.

Ordered, that the statement reported by the chairman of the committee on the State Bank, showing the liability of the members of the Legislature, be taken from the table, and two hundred copies be printed for the use of the House.

The engrossed bill concerning trailing vessels, and other traffic with slaves in this State, was read the third time and passed:

The engrossed bill to alter and amend the road laws:

The engrossed bill to establish the State Mutual Insurance Company:

Were severally read the third time and passed.

Mr. Dunn, from the committee on internal improvement, to whom was referred the report of the President and Directors of the Cahawba navigation company; reported,

A bill to enable the Cahawba navigation company, to collect their toll; which was read the first time and ordered to a second reading.

The House took up the bill to provide for the withdrawal of the sixteenth section fund, the question pending on the following amendment, reported by the committee on the sixteenth section fund.

Strike out all after the first section, and amend the first section of the bill after the words "to pay over in the bills of the Banks," with the following, "of the State of Alabama, or either of the Branches thereof, the amount of cash paid into the credit of any section, which may have been sold, leased, rented, or otherwise, may have yielded a cash income.

(under the provisions of the several acts concerning the sale or disposal of sixteenth sections in this State,) and all interest which has accrued upon the same, whenever the same is, or shall be applied for as herein-after mentioned.

Sec. 2. *And be it further enacted*, That the President and Directors of the Bank of the State of Alabama, and the President and Directors of the several Branches thereof, be, and they are hereby authorized and required to deliver up to the Commissioners of the several Townships to which they may belong, all notes, bills of exchange, or other evidences of debt which have been deposited in said Banks, or in which evidences of debt said Banks may heretofore have invested said fund to the credit of any sixteenth section under the directions and provisions of this act.

Sec. 3. *And be it further enacted*, That in every instance in which the notes received in payment for the sale unto, or other profits of any portion or the whole of any sixteenth section, shall yet remain in the custody of the Commissioners, or in the office of the County Clerk, or County Judge of any county, the said notes, bonds, or other evidences of debt, shall be subject to the control of the Commissioners of the township to which they respectively belong, after complying with the provisions of this act.

Sec. 4. *And be it further enacted*, That in every case in which cash promissory notes, bonds, bills of exchange, or other evidence of debt shall be in suit or in the hands of any attorney, agent or other person to whom said funds of any sixteenth section, (or other lands given by the General Government in lieu of any sixteenth section) shall have been entrusted or who may have the custody of the same, the Commissioners of said township are hereby given control and discretion of said funds under the restrictions of this act.

Sec. 5. *And be it further enacted*, That it shall be the duty of the Judge of the County Court of every county in this State, to require the Clerks of said Court to ascertain the number and quantity and the price for which it may have been sold, of each sixteenth section, and all other funds which may belong to the several townships, as a sixteenth section fund in their respective counties at the date of said inquiry and interrogation, and to enter the same in a docket or well bound book, to be kept by said Clerk for that purpose, and to be subject to the inspection of any person interested in the same.

Sec. 6. *And be it further enacted*, That the Judge of the Orphans' or County Court, shall as soon as the amount ascertained to be due, or belonging to any township of the sixteenth section fund, cause the Commissioners of the township to which said funds belong, after executing a bond payable to the Judge of the County Court, and his successors in office in double the estimate value of the lands and funds belonging to said township, with two or more good and valid securities to be payable and renewable whenever from death, resignation or otherwise said Commissioner shall fail or neglect to discharge the duties of Commissioner of

the said sixteenth section school fund, to hold an election of the qualified voters of the township, after giving twenty days notice by advertising at three of the most public places in the township, or by publication in a newspaper if any be published in the township, at which the citizens of said township shall elect whether they will invest said fund in real estate, to be selected by said Commissioners in said township, or in some adjoining township, or invest said fund in State stock, payable at the pleasure of the State, drawing an annual interest of five per centum, per annum, payable at the State Bank and the several Branches, until the final close and liquidation of said Banks, and afterwards at the office of the State Treasurer.

Sec. 7. *And be it further enacted*, That if said citizens shall elect to "invest said fund in real estate" said Commissioners shall proceed to make the best possible bargain for the quantity of real estate which said section fund will buy, and which said real estate shall be selected with regard to the present and permanent value and annual yield of the same, and after selecting said lands they shall together with the owner of said lands enter into a written agreement by which it shall be stipulated that upon the payment by said Commissioners to the said owner of the selected land of the amount agreed to be paid for the same, the said owner shall execute a full, perfect and bona fide title to the said Commissioners and their successors in office, for the sole use, benefit and behoof of the citizens of the township to which said fund may belong as a permanent school fund.

Sec. 8. *And be it further enacted*, That the said Commissioners aforesaid, before they shall pay over to the owner of said estate thus bargained for, any portion of said funds, shall cause the owner of said real estate to execute in the presence of three lawful witnesses, a deed in fee simple, to said Commissioners and their successors in office, for the use herein before mentioned in section seven of this act, which said deed shall be recorded at the earliest convenient day, in the office of the County Court.

Sec. 9. *And be it further enacted*, That no money shall be paid over or evidence of debt delivered up or State stock issued to the Commissioners of any sixteenth section in this State by any Bank, or officer, or individual who may be the custodian of said fund at this time until the said Commissioners shall present to said custodian or depositor of said fund the certificate of the Judge of the County Court certifying that said Commissioners have filed a good and satisfactory bond for the faithful management of said fund as directed in section six of this act, and also the result of the election in their township, and whether the citizens of said township have elected to "invest said fund in real estate," or "State stock." If they have elected to "invest said fund in real estate" upon the presentation of the certificates of the Judge of the County Court as before directed, the Bank of the State of Alabama, or either Branch thereof, or any officer, or individual, who is, or may be the custodian of the same, shall deliver up to said Commissioners the funds



deposited with them, to be invested as herein before directed by said Commissioners. And if the citizens of said township shall elect to "invest the same in State stock" upon the presentation of the certificate to the County Judge to this effect and also the certificate that said Commissioners have qualified according to this act the Treasurer of the State and Comptroller of Public Accounts, are hereby authorized to issue State stock payable annually at the pleasure of the State after five years from the first day of January eighteen hundred and forty-six, drawing interest at five per centum, per annum, payable at the State Treasury after the final liquidation of the Bank of the State of Alabama, and its several Branches, or after they cease to be the fiscal agents and depositors, of the State of Alabama, until the final agency of the Bank of the State of Alabama and its several Branches as the fiscal depository of the State shall cease. The annual interest upon said State stock shall be paid out of the funds to be provided for the same by the State annually on the first day of January of each and every year upon the presentation to the President of the Bank of the State or either of the Branches of the same, as the State may direct, of the certificate of stock thus issued, and the receipt of the commissioners of said township, for the amount of said interest.

Sec. 10 *And be it further enacted*, That the certificates of the State stock directed to be issued by the provisions of this act shall be signed by the Governor and countersigned by the Secretary of State and State Treasurer, and recorded by the Comptroller of Public Accounts, in a book to be kept for that purpose whenever the Cashier of the Bank of the State, or either of the several Branches thereof, shall certify to the Comptroller of Public Accounts, that the citizens of any township have elected to invest the amount of their funds to be specified in said certificate in State stock, and the Comptroller of Public Accounts shall send said stock to the Cashier of said Bank in which said fund is deposited to be by said Cashier delivered up as herein before directed to the Commissioners of the several townships to which said certificate of State stock shall respectively belong.

Section 11. *And be it further enacted*, That in every instance in which the funds belonging to any sixteenth section school fund in any township in this State, shall be in promissory notes, bills of exchange, bond or other evidences of debt, except the bills of the Bank of the State of Alabama, or of any Branch thereof, the said evidences of debt shall not be subject to investment in State stock until the same shall or may be collected in cash, nor shall the State be liable to pay the interest upon the same: *Provided*, that no endorser of debt thus held by the Bank of the State of Alabama or either Branch thereof, shall be put in suit by said Bank, unless the Commissioners of the sixteenth section school fund, shall certify that said suit should be brought by the Bank: *And provided further*, unless the parties to said note shall first cause all interest due upon the same to be paid up, and the written consent of the several parties bound by said evidence of debt to an extension of one year upon the same. The Bank of the State of Ala-

bama and the several Branches thereof, shall be required to bring said as soon as said evidences of debt falls due, and collect the same.

Sec. 12. *And be it further enacted*, That all laws authorizing the rescission of the contract for the sale of any sixteenth section, be, and the same are hereby repealed.

Sec. 13. *And be it further enacted*, That no officer of the State, county or township, either executive or judicial, shall be entitled to any fees for any service required of them by the provisions of this act.

Sec. 14. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Mr. Walker moved to lay the bill and amendment on the table.

A division of the question being called, it was first taken on laying the amendment on the table, and carried. Yeas 44--Nays 38:

YEAS—messrs. Speaker, Aldridge, Alexander, Bell, Chandler, Cobb, Cook, Croom, Davis of F. Davis of L. Edwards, Gamble, Garrett, Grady, Griffin, Harris, Hays, Hill, Hobdy, Inge, Jackson, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Kimbell, Lansdale, Maples, Meriwether, Merrick, Miree, Morrison, Patton, Perrine, Perry, Roby, Scott of J. Smith of L. Smith of M. Speight, Spencer, Steele, Walker and Williams of J.

NAYS—messrs. Allen of R. Barnett, Beck, Bowdon, Brandon, Clarke, Clay, Fletcher, Gewin, Hall, Howard, Johnson, Judge, Kidd, King, Kittrell, Martin, Mason, Mitchell of B. Mitchell of T. Morrisett, Mudd, Norman, Portis, Prince, Rose, Scott of M. Seawell, Snowden, Stith, Treadwell, Watts of B. Watts of D. Webb, Williams of M. Winston, Woodward and Young.

The question recurred on laying the bill on the table, and was lost. Yeas 25—Nays 61:

YEAS—messrs. Speaker, Barnett, Bell, Chandler, Croom, Dufrese, Grady, Griffin, Hays, Hobdy, Jackson, Jones of F. Kidd, Kimbell, Maples, Miree, Mitchell of B. Morrison, Norman, Portis, Scott of J. Scott of M. Smith of L. Spencer, Steele and Walker.

NAYS—messrs. Aldridge, Alexander, Allen of R. Baker, Beck, Bowdon, Brandon, Clarke, Clay, Cobb, Cook, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Hall, Harris, Hill, Howard, Inge, Jemison, Johnson, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, King, Kittrell, Lansdale, Lea, Martin, Mason, McClung, Meriwether, Merrick, Mitchell of T. Morrisett, Mudd, Patton, Perrine, Perry, Prince, Roby, Rose, Smith of M. Snowden, Speight, Stith, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

Mr. Webb moved to amend as follows, to come in after the word "amount:"

"Together with the interest which may have accrued thereon:"

Which was adopted. Yeas 62—Nays 21:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Barnett, Beck, Bell, Brandon, Clarke, Cobb, Cook, Edwards, Fletcher, Gamble, Garrett, Griffin, Hall, Hays, Hill, Hobdy, Howard, Johnson, Jones of Ben. Jones of Blount, Jones of C. Jones of Lawrence, Judge, Kennedy, Kidd, King, Kittrell, Lansdale, Lea, Maples, Mason, Meriwether, Merrick, Miree, Morrisett Morrison, Mudd, Patton, Perrine, Perry, Prince, Roby, Rose, Scott of J. Smith of L. Snowden, Spencer, Stith, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston, Woodward and Young.

NAYS—messrs. Bowdon, Chandler, Clay, Croom, Davis of L. Dufreese, Grady, Harris, Inge, Jackson, Jemison, Jones of F. Jones of Limestone, McClung, Mitchell of B. Mitchell of T. Norman, Portis, Smith of M. Speight and Steele.

Mr. Croom moved to postpone the bill indefinitely.

The House adjourned.

#### NIGHT SESSION, January 20, 1845.

House met pursuant to adjournment.

Mr. Cooper moved to suspend the rules, to take up a bill for the relief of Wm. W. Garrard; which was carried. Yeas 33—Nays 27:

YEAS—messrs. Speaker, Alexander, Baker, Barnett, Brandon, Clemens, Cooper, Davis of F. Edwards, Fletcher, Hall, Hays, Hill, Jackson, Jones of Benton, Jones of Blount, Jones of Lawrence, Judge, Kimbell, Kittrell, Lansdale, Mitchell of B. Morrisett, Morrison, Mudd, Perrine, Phillips, Prince, Scott of Macon, Smith of L. Speight, Williams of M. and Woodward.

NAYS—messrs. Aldridge, Chandler, Cobb, Davis of L. Gamble, Howard, Jones of Conecuh, Jones of Franklin, Jones of Limestone, Kennedy, King, Maples, Mason, McClung, Meriwether, Merrick, Perry, Portis, Rose, Scott of J. Snowden, Spencer, Steele, Watts of B. Watts of Dallas, Webb, and Winston.

The bill was read the second time.

Mr. Cooper moved to amend; which was carried.

The bill was ordered to be engrossed for a third reading.

Mr. Mitchell of B. introduced a bill for the relief of the purchasers of a certain sixteenth section, in the county of Barbour; which was read the first, second and third times and passed.

The House then took up the bill to change the time of summoning jurors for the county of Limestone, and other counties therein named.

The amendment offered by Mr. Jones of F. was adopted, and the bill passed.

The engrossed bill to compensate J. C. Rawles, sheriff of Tallapoosa county, for certain services therein named, was read the third time and passed.

Mr. Williams of M. moved to take from the table the bill for the relief of Peter Bozeman; which was carried.

The bill passed.

The engrossed bill to incorporate the Eutaw and Clinton Dragoons:

The engrossed bill for the relief of Dory Ann B. Taylor, wife of Henry Taylor, of the county of Talladega:

The engrossed bill to incorporate the Female Academy, in the Town of Eutaw, Greene county:

The engrossed bill to incorporate Orion Academy, in Pike county, and for other purposes:

The engrossed bill to incorporate the Dallas Male and Female Academy, in the town of Selma:

The engrossed bill for the relief of Bartholomew S. Skeats:

Were severally read the third time and passed.

The bill for the relief of Josiah Sterling, was read the second time, and ordered to be engrossed for a third reading.

The amendments of the Senate to the bills declaring Margaret Shegog a free dealer, and for other purposes, were concurred in.

The amendment of the Senate to the bill for the relief of Dr. Elijah Dodson, of Talladega county, was concurred in.

Mr. Bell, from the committee on enrolled bills, reported as correctly enrolled:

An act to permit the Captain's Company in beat number four, eighteenth regiment, Alabama militia, to remain a company with a less number than forty privates:

An act to incorporate the Robinson Institute for purposes of education, in the county of Autauga:

An act to extend the terms of the Circuit Court of Pickens, and to change the time of holding the Circuit Court of Sumter:

An act to increase the salary of the Judge of the County Court of Mobile county:

An act to change the time of holding the Commissioners' Court of roads and revenue in the county of Perry:

And the report of the committee on Federal Relations on the resolutions of Massachusetts and South Carolina.

The bill from the Senate for the relief of Wm. Erwine, of Perry county, was read the first time and ordered to a second reading.

The joint resolutions (from the Senate,) of the General Assembly of the State of Alabama, were read the first and second times, and ordered to a third reading.

The bill from the Senate to amend the laws heretofore enacted for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, was read the first, second and third times and passed.

The vote taken this morning passing a bill of a similar character, was reconsidered.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

An act to amend an act to incorporate the Howard College, in Marion, Perry county:

An act to permit the Jackson County Guards, to remain a body corporate, with a less number than forty privates:

An act to regulate the pay of jurors in the county of Butler:

The bill from the Senate to lay out and open a certain road in Monroe county:

The bill from the Senate for the relief of John Kirksey and Robert B. W. Kirksey:

The bill from the Senate for the relief of Elizabeth Thorpe:

Were severally read the first time and ordered to a second reading.

The bill from the Senate to change the time of holding the Circuit Court of Limestone county: was read the first time and ordered to a second reading. Yeas 42—Nays 19:

YEAS—messrs. Aldridge, Allen of R. Baker, Barnett, Bell, Bowdon, Brandon, Chandler, Cobb, Cooper, Croom, Gamble, Garrett, Grady, Hays, Hill, Howard, Jackson, Jemison, Jones of Benton, Jones of Blount, Jones of F. Jones of Limestone, Judge, Kimbell, Kittrell, Lea, Maples, McClung, Mudd, Percy, Phillips, Scott of J. Speight, Spencer, Steele, Stith, Storrs, Walker, Watts of B. Watts of D. and Williams of M.

NAYS—messrs. Beck, Cook, Davis of F. Davis of L. Fletcher, Hall, Jones of Lawrence, Kennedy, Kidd, King, Martin, Perrine, Portis, Prince, Rose, Smith of L. Snowden, Winston and Young.

Mr. Kittrell moved to suspend the rule requiring the House to adjourn at nine P. M.; which was carried. Yeas 45—Nays 19:

YEAS—messrs. Aldridge, Alexander, Allen of Benton Allen of R. Baker, Beck, Bell, Bowdon, Chandler, Cobb, Cooper, Davis of F. Davis of L. Hays, Hill, Jemison, Jones of Benton, Jones of Blount, Jones of C. Jones of F. King, Kittrell, Lunsdale, Maples, Mason, Meriwether, Merriek, Mitchell of B. Perrine, Perry, Portis, Rose, Scott of J. Smith of L. Snowden, Speight, Spencer, Steele, Stith, Treadwell, Watts of B. Watts of D. Webb, Winston and Young.

NAYS—messrs. Barnett, Brandon, Cook, Fletcher, Garrett, Hall, Howard, Jackson, Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Morrison, Mudd, Phillips, Scott of M. Storrs and Walker.

The bill from the Senate to apportion representatives to the several counties in this State, and to divide the State into Senatorial districts, was read the first time and ordered to a second reading.

The bill from the Senate for the relief of Joel Durham, was read the first time and ordered to a second reading.

The amendments of the Senate to the bill for the relief of Vines Smith, were concurred in.

The bill from the Senate for the relief of certain purchasers of sixteenth section lands, &c.; was read the first time and ordered to a second reading.

The bill from the Senate for the relief of Sarah Greer, of Wilcox county; was read the first, second and third times and passed.

The bill from the Senate to authorize the sale of a portion of Lafayette street, in Lafayette, Chambers county, was read the first time and ordered to a second reading.

The bill from the Senate for the relief of Louisa Sharpe, of Macon county:

The bill from the Senate to incorporate the town of Yorkville, in the county of Pickens:

The bill from the Senate for the relief of Mary J. Kellum:

The bill for the relief of Elizabeth D. Anderson, of Franklin county:

Were severally read the first time and ordered to a second reading.

Mr. Bowdon introduced a bill for the relief of Stephen Sparks, of Talladega county; which was read the first time and indefinitely postponed.

Mr. Howard moved that the House do now adjourn; which was lost. Yeas 29—Nays 33:

YEAS—messrs. Speaker, Barnett, Bell, Brandon, Cook, Cooper, Croom, Grady, Howard, Jackson, Jones of F. Kennedy, Kidd, Kimbell, Lea, Maples, Mason, McClung, Mitchell of B. Perrine, Phillips, Scott of J. Smith of L. Snowden, Steele, Stith, Watts of B. Webb and Woodward.

NAYS—messrs. Aldridge, Alexander, Allen of B. Allen of R. Baker, Beck, Bowdon, Chandler, Cobb, Davis of F. Davis of L. Edwards, Hall, Hays, Hill, Jemison, Jones of Benton, Jones of C. Jones of Lawrence, King, Kittrell, Lansdale, Meriwether, Merrick, Perry, Portis, Prince, Rose, Speight, Storrs, Williams of M. Winston and Young.

The bill from the Senate for the relief of Jack Shackelford, was read the first time and ordered to a second reading.

And the House adjourned.

JANUARY 21, 1845.

House met pursuant to adjournment.

Mr. Scott of M. moved to take up the Senate bill to alter the time of holding the County Court of Macon county; which was carried, and the bill was read the first, second and third times and passed.

Mr. Rose, from the committee on the Penitentiary, to whom was referred the bill for the relief of Arthur Johns, reported the bill back to the House, and asked to be discharged from the further consideration of the same, as in their opinion it would be inexpedient to legislate on the subject matter contained in the petition and bill.

Mr. Barnett moved to lay the report and bill on the table; which was carried.

Mr. Kimbell, from the committee on enrolled bills, reported as correctly enrolled:

An act to change the time of holding the Circuit Court of Perry county:

An act for the relief of John Garner:

An act to legalize a certain marriage therein named:

An act for the relief of Levi Freeman:

And an act for the benefit of Elizabeth Tier.

Mr. Walker introduced a bill for the relief of John Pruitt; which was read the first time and ordered to a second reading.

Mr. Mudd offered the following resolution; which was adopted:

*Resolved*, That the Doorkeeper of this House be authorized to suppress all smoking in the lobby.

Mr. Croom, from the select committee, to which was referred the bill to alter the time of holding elections for Senators and Representatives of the General Assembly of the State of Alabama, reported the same back to the House without amendment and recommended its passage.

Mr. Dufreese moved to lay the bill on the table; which was carried. Yeas 54—Nays 30:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Bell, Bowdon, Brandon, Clay, Clemens, Cobb, Davis of F. Davis of L. Dufreese, Fletcher, Gamble, Garrett, Gewin, Griffin, Hays, Hill, Hobby, Johnson, Jones of Benton, Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Lansdale, Maples, Martin, Meriwether, Merrick, Miree, Morrison, Norman, Patton, Roby, Rose, Scott of J. Smith of L. Snowden, Speight, Spencer, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Webb, Williams of J. Winston and Woodward.

NAYS—messrs. Allen of B. Barnett, Chandler, Croom, Dunn, Grady, Hall, Harris, Howard, Inge, Jackson, Jemison, Jones of Blount, Jones of F. Kennedy, Kimbell, King, Kittrell, Mason, McClung, Mitchell of B. Mitchell of T. Perrine, Perry, Portis, Prince, Scott of M. Smith of M. Watts of D. and Williams of M.

Mr. Cook, from the committee on enrolled bills, reported as correctly enrolled:

An act to permit the taking of testimony by deposition, in the counties of Clarke, Monroe and Washington, and reciprocally in the county and city of Mobile:

An act for the relief of Philip Phillips, Esq.

An act to compel certain persons therein named to work on public roads in Blount and Jackson counties:

And an act to divide the forty-eight regiment Alabama militia.

The House took up the bill to regulate and settle the affairs of the several Banks in this State.

The bill was read the third time.

Mr. Chandler moved to amend as follows:

*And be it further enacted*, That the acts of the Legislature regulating the presentation of claims to the representatives of deceased persons, shall not be held to apply to debts due the said Banks: *Provided*, that no executor or administrator shall be liable for the payment of any debt after the first settlement of said estate, if it satisfactorily appear that the President and Directors of the said Banks had notice of the death of the debtor, and of the qualification of said executor or ad-

ministrator, and failure before the settlement of said estate to file the claim as provided by law.

Mr. Inge moved to lay the amendment on the table; which was lost. Yeas 38—Nays 52:

YEAS—messrs. Allen of R. Baker, Barnett, Baugh, Beck, Bowdon, Brandon, Clemens, Cobb, Cook, Cooper, Davis of F. Edwards, Grady, Griffin, Harris, Howard, Inge, Jemison, Jones of Conecuh, Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Martin, Meriwether, Mitchell of T. Norman, Patton, Perry, Rose, Speight, Steele, Stith, Webb, Williams of J. Williams of M. and Woodward.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Bell, Chandler, Clay, Croom, Davis of L. Dunn, Fletcher, Gamble, Garrett, Gewin, Hall, Hays, Hill, Hobdy, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of Franklin, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mason, McClung, Merrick, Miree, Mitchell of N. Morrisett, Morrison, Mudd, Perrine, Portis, Prince, Roby, Scott of J. Scott of M. Smith of L. Snowden, Spencer, Storrs, Treadwell, Watts of B. Watts of D. and Young.

Mr. Jones of Limestone, moved to amend the amendment by striking out "had notice of the death of the debtor, and the qualification of said executor or administrator:"

Which was lost.

Mr. Stith moved to amend the amendment as follows:

*And be it further enacted*, That every executor or administrator, who may hereafter be qualified as such, shall transmit to the President of the Bank of the State of Alabama and of its several Branches, a letter or newspaper containing a notice of such qualification as executor or administrator.

Mr. Cooper moved to lay the amendment to the amendment on the table; which was carried.

Mr. Rose moved the previous question; which was not sustained. Yeas 22—Nays 58:

YEAS—messrs. Beck, Bowdon, Cooper, Croom, Davis of F. Gamble, Howard, Inge, Jones of Lawrence, Jones of Limestone, Kidd, Martin, Meriwether, Mitchell of N. Mudd, Patton, Rose, Speight, Spencer, Stith, Storrs and Woodward.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Bell, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Davis of L. Dufrese, Edwards, Fletcher, Garrett, Gewin, Griffin, Hall, Harris, Hays, Hill, Hobdy, Jackson, Jemison, Johnson, Jones of Benton, Jones of C. Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mason, McClung, Merrick, Miree, Mitchell of T. Morrisett, Morrison, Norman, Perrine, Perry, Portis, Roby, Scott of J. Smith of L. Snowden, Steele, Watts of B. Watts of D. Webb, Williams of M. and Young.

The question was taken on the amendment offered by Mr. Chandler.



The House refused to adopt the amendment. Yeas 36—Nays 44:

YEAS—messrs. Speaker, Beck, Bell, Chandler, Clay, Croom, Davis of L. Dufreese, Fletcher, Gewin, Grady, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jones of Blount, Jones of F. King, Kittrell, Lea, Mason, McClung, Morrisett, Perrine, Portis, Roby, Rose, Smith of L. Smith of M. Snowden, Treadwell, Watts of D. Webb and Williams of J.

NAYS—messrs Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Bowdon, Brandon, Clemens, Cobb, Cook, Cooper, Davis of F. Gamble, Garrett, Hall. Inge, Jemson, Johnson. Jones of C. Jones of Lawrence, Jones of Limestone, Judge, Kidd, Lansdale, Martin, Meriwether, Merrick, Mitchell of B. Mudd, Norman, Patton, Perry, Prince, Scott of J. Speight, Spencer, Steele, Stith, Walker, Watts of D. Williams of M. Woodward and Young.

Mr Fletcher moved to amend the bill by way of engrossed ryder. as follows:

*Be it further enacted*, That so much of an act entitled an act, to regulate the management and expenses of the Bank of the State of Alabama and its several Branches, approved, eleventh of February, eighteen hundred and forty-three, as requires the appointment of agents to serve notices, attachments and executions, be, and the same is hereby repealed.

Which was adopted.

Mr. Williams of M. moved to amend the bill as follows:

*And be it further enacted*, That if it shall hereafter appear to the entire satisfaction of the President and Directors of any of the said Banks, that the true interest of the State will be advanced by collecting from any of the debtors of the said Banks, a less amount than is required by the second and third sections of this act, then it shall and may be lawful for the President and Directors of such Banks, to allow such debtor to extend their said debts by such debtors paying to such Banks twenty per cent on the amount of their debt, including principal and interest, besides all costs and charges which may have accrued. *Provided*, such debtors shall in all other respects, comply with the provisions and requirements contained in this act.

The Chair, (Mr. Clemens presiding,) decided the amendment out of order, as being repugnant to the body of the bill.

Mr. Moore moved to amend, as follows:

*Be it further enacted*, That it shall be the duty of the President and Directors of the Bank of the State of Alabama, within thirty days after the passage of this act, to destroy or efface all the plates of every denomination belonging to said State Bank and Branch Banks, and also burn all the blank impressions of the State Bank.

Which was adopted.

Mr. Jemison moved to amend, as follows:

*And be it further enacted*, That in all cases where suits may hereafter be commenced by the President and Directors of the Bank of the State of Alabama or any of the Branch Banks of the State, upon any

note or bill of exchange, wherein any partial payment has been made, or which may be otherwise entitled to a credit or credits, suit shall be brought only for the amount of the true balance due, on such note or bill of exchange.

*And be it further enacted,* That the Cashier of the several Banks in their annual reports now required by law to be made to the General Assembly, shall in such annual reports present only the true balance due on each debt instead of reporting as heretofore the full amount of the debt, without regard to any credits.

Which was adopted.

The vote adopting this amendment was reconsidered, and the amendment laid on the table.

Mr. Davis of L. moved to amend as follows:

*Be it further enacted,* That the Cashier of the Branch Bank at Mobile shall be allowed \_\_\_\_\_ dollars, annually, for his salary, and no more; and each clerk in said Bank shall be allowed annually for his salary \_\_\_\_\_ dollars, and no more.

Which was lost.

Mr. Portis moved to fill the first blank in the bill with "twenty thousand;" which was carried.

Mr. Moore moved to fill the second blank with "twelve;" which was carried.

Mr. Moore moved the previous question; which was sustained. Yeas 62—Nays 27:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Brandon, Cooper, Croom, Davis of F. Davis of L. Dufreese, Edwards, Gamble, Garrett, Gewin, Grady, Harris, Hays, Hill, Hobdy, Howard, Johnson, Jones of Benton, Jones of B. Jones of C. Jones of Lawrence, Kennedy, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Patton, Perrine, Portis, Roby, Rose, Smith of L. Smith of M. Snowden, Speight, Spencer, Stith, Storrs, Treadwell, Walker, Watts of D. Winston, Woodward and Young.

NAYS—messrs. Barnett, Bowdon, Clay, Clemons, Cobb, Cook, Dunn, Fletcher, Hall, Jackson, Jemison, Jones of F. Jones of Limestone, Judge, Kidd, Mason, McClung, Mitchell of T. Norman, Perry, Prince, Scott of J. Scott of M. Steele, Watts of B. Williams of J. and Williams of M.

The bill passed. Yeas 59—Nays 31:

YEAS—messrs. Speaker, Alexander, Allen of B. Allen of R. Barnett, Baugh, Beck, Bell, Chandler, Cooper, Croom, Davis of F. Davis of L. Dufreese, Edwards, Gamble, Garrett, Grady, Harris, Hill, Hobdy, Howard, Inge, Johnson, Jones of Benton, Jones of C. Jones of F. Jones of Limestone, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, Martin, Mason, Meriwether, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Mudd, Patton, Perrine, Portis, Rose, Scott of M. Scott of L. Smith of M. Snowden, Speight, Spencer, Stith, Storrs, Treadwell, Watts of B. Watts of D. Winston and Woodward.

**NAYS**—Messrs. Aldridge, Bowdon, Brandon, Clay, Clemens, C. of Cook, Dunn, Fletcher, Gewin, Hall, Hays, Jackson, Jemison, Jones & Blount, Jones of Lawrence, Judge, Kidd, Maples, McClung, Mitchell of T. Norman, Perry, Prince, Roby, Scott of J. Steele, Walker, Williams of J. Williams of M. and Young.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed a bill to authorize the Governor to settle with the President, Directors and Company of the Bank of Mobile, the interest due them from the State, in which they ask the concurrence of the House of Representatives.

The Senate has also passed bills from the House of Representatives of the following titles:

A bill to divorce certain persons therein named:

A bill repealing the charter of the town of Ashville, in St. Clair county:

An act to authorize James Lamar to sell certain property therein named:

An act to authorize Wm. H. Tarrance to establish a ferry across the Alabama river, and for other purposes:

An act to authorize Edmund Wiggins to erect a toll bridge over Pea river, in Coffee county, at Geneva:

An act for the relief of Wm. Payne:

An act to legalize a certain marriage therein named:

An act to repeal an act therein named.

An act to declare Drucilla Roberts, of Fayette County, a free dealer:

An act for the relief of Achsah Hogg:

An act to incorporate the Greenville Academy, in Butler county:

An act to provide a revenue in the county of Conecuh:

An act to compensate the Commissioners of Roads and Revenue, of the county of Macon:

An act to divorce certain persons therein named:

And an act to divorce certain persons therein named.

The Senate concurs in the amendments made by the House of Representatives to the following bills:

A bill to be entitled an act incorporating the town of Eutaw, in the county of Greene:

A bill to provide for the support of paupers in Chambers county:

An act to change the time of holding the County Court of Greene county:

An act for the relief of Sally Clopton:

And an act to authorize the Judge of the County Court of Wilcox county and Commissioners of Roads and Revenue in said county to levy a county tax, not exceeding fifty per cent. on the State tax in said county.

Mr. Johnson, from the committee on enrolled bills, reported as correctly enrolled:

An act for the relief of Vines Smith, of the county of Coosa:

An act entitled an act for the relief of the estate of Raymond Burroughs, deceased:

An act declaring Margaret Shegog a free dealer, and for other purposes:

And the House adjourned.

#### AFTERNOON SESSION, January 21, 1845.

The House met pursuant to adjournment.

Mr. Martin, from the committee on the State Bank and Branches, to whom was referred the Senate bill to compensate the President and Directors of the State Bank for extra services, reported the same back to the House without amendment, and recommended its passage.

The bill was ordered to a third reading.

Mr. Martin, from the same committee, to whom was referred a bill to authorize the Governor to exchange the stock belonging to the State in the Bank of Mobile, for an equal or larger amount of State bonds reported the same as inexpedient at this time.

The report was concurred in.

Mr. Martin, from the select committee, to whom was referred a bill to change the time of holding certain courts therein named, and for other purposes, reported the same back the House with sundry amendments, in which they asked the concurrence of the House.

The amendment was concurred in.

The bill was read the third time and passed.

Mr. Martin, from the committee on the State Bank and Branches, to whom was referred a bill for the relief of Thomas G. A. Cox, reported the same back to the House and recommended its passage.

The bill was read the second time.

Mr. Winston moved to amend as follows: *Provided*, said credit in this act, to be given to said Cox, provided John C. Johnson, to whom the amount was paid, was the agent of the Decatur Bank in the county of Marshall, for the collection of debts due said Bank in said county; which was adopted.

The bill was ordered to a third reading. Yeas 47—Nays 35.

YEAS—messrs. Allen of B. Allen of R. Baker, Barnett, Brandon, Chandler, Clay, Cobb, Cook, Davis of F. Davis of L. Dufreese, Fletcher, Gamble, Garrett, Griffin, Hall, Hays, Hill, Inge, Jones of B. Jones of Blount, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Meriwether, Merrick, Morrison, Patton, Perrine, Prince, Roby, Rose, Seawell, Steele, Stith, Treadwell, Webb, Williams of J. Winston, Woodward, and Young.

NAYS—messrs. Speaker, Aldridge, Alexander, Baugh, Beck, Bowdon, Clarke, Croom, Harris, Howard, Jackson, Johnson. Jones of C. Jones of F. Jones of Limestone, Lea, Mason, McClung, Mitchell

of B. Morrisett, Mudd, Norman, Perry, Phillips, Scott of J. Scott of M. Snowden, Speight, Spencer, Storrs, Watts of B. Watts of D. and Williams of M.

The House resumed the consideration of the special order, it being a bill to raise a revenue for the support of the State Government.

Mr. Cobb moved to postpone the further consideration of the bill until Thursday, and on that day make it the special order for that day; which was lost. Yeas 21—Nays 73:

YEAS—messrs. Aldridge, Alexander, Baker, Baugh, Brandon, Cobb, Cook, Garrett, Hall, Jones of Blount, Jones of Limestone, Kennedy, Kidd, King, Mason, Mudd, Scott of J. Watts of D. Webb, Winston, and Young.

NAYS—messrs. Speaker, Allen of B. Allen of R. Barnett, Beck, Bell, Bowdon, Chandler, Clarke, Clay, Clemens, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Fletcher, Gamble, Grady, Griffin, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Ben. Jones of C. Jones of F. Jones of Lawrence, Judge, Kimbell, Kittrell, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Spencer, Steele, Stith, Treadwell, Walker, Watts of B. Williams of J. Williams of M. and Woodward.

Mr. Walker moved to lay the bill on the table. Yeas 59—Nays 39:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Baugh, Beck, Bell, Clarke, Croom, Fletcher, Gamble, Gewin, Grady, Griffin, Hall, Hays, Hill, Hobdy, Howard, Inge, Jackson, Johnson, Jones of Benton, Jones of C. Jones of Lawrence, Kennedy, Kimbell, King, Lansdale, Lea, Maples, Mason, Merrick, Miree, Mitchell of B. Morrisett, Mudd, Patton, Portis, Roby, Rose, Scott of M. Smith of L. Snowden, Speight, Spencer, Steele, Storrs, Treadwell, Walker, Webb, Williams of J. Williams of M. Winston and Woodward.

NAYS—messrs. Allen of R. Bowdon, Brandon, Clay, Clemens, Cobb, Cook, Cooper, Davis of F. Dufreese, Dunn, Garrett, Harris, Jemison, Jones of Blount, Jones of F. Jones of Limestone, Judge, Kidd, Kittrell, Martin, McClung, Meriwether, Mitchell of T. Morrison, Norman, Perrine, Perry, Phillips, Scott of J. Smith of M. Stith, Watts of B. Watts of D. and Young.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has passed a bill from the House of Representatives, to be entitled an act to appropriate the two per cent. fund in accordance with the provisions of an act to accept the two per cent. fund, approved December twenty-nine, eighteen hundred and forty-four, amended as therein shown, and have also amended the caption, in which the concurrence of the House is requested.

Mr. Jemison moved to suspend the rules that he might introduce a bill; which was carried. Yeas 54—Nays 38:

**YEAS**—messrs. Speaker, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Croom, Dufreese, Dunn, Fletcher, Garrett, Griffin, Howard, Inge, Jemison, Johnson, Jones of Benton, Jones of Blount, Judge, Kennedy, Kidd, Kittrell, Mason, McClung, Meriwether, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Phillips, Portis, Prince, Seawell, Smith of L. Smith of M. Snowden, Stith, Storrs, Watts of D. Williams of J. Williams of M. Woodward and Young.

**NAYS**—messrs. Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Davis F. Davis of L. Gamble, Gewin, Hall, Hays, Hill, Hobdy, Jackson, Jones of C. Jones of Franklin, Jones of Lawrence, Jones of Limestone, Lansdale, Lea, Maples, Martin, Merrick, Miree, Norman, Perry, Roby, Rose, Scott of J. Scott of M. Speight, Spencer, Steele, Treadwell, Walker, Webb and Winston.

Mr. Jemison thereupon introduced a bill to consolidate the Branch Banks of Decatur and Huntsville; which was read the first time.

Mr. Walker moved to lay the bill on the table; which was lost. Yeas 22—Nays 59:

**YEAS**—messrs. Alexander, Allen of R. Bell, Davis of F. Davis of L. Gamble, Gewin, Hall, Hays, Hill, Jones of F. Jones of Law. Jones of Limestone, Kennedy, Kimbell, Merrick, Norman, Patton, Perry, Roby, Rose, Walker and Williams of J.

**NAYS**—messrs. Aldridge, Allen of B. Baker, Barnett, Beck, Bowden, Brandon, Chandler, Clarke, Clay, Clemens, Cobb, Cook, Cooper, Croom, Dufreese, Dunn, Fletcher, Grady, Griffin, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of C. Judge, King, Kittrell, Lansdale, Lea, Maples, Mason, McClung, Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Phillips, Portis, Prince, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Spencer, Steele, Stith, Storrs, Treadwell, Watts of D. Webb, Williams of M. Winston, Woodward and Young.

Mr. Bell, from the committee on enrolled bills, reported as correctly enrolled:

An act to incorporate the town of Polkville, in the county of Benton:

An act to incorporate the Mobile and Baldwin County Manufacturing Company:

An act to authorize the establishment of a Medical College at Wetumpka:

An act for the relief of Doctor Elijah Dodson, of Talladega county, and others.

Mr. Kimbell, from the committee on enrolled bills, reported as correctly enrolled:

An act entitled an act to compensate the Commissioners of Roads and Revenue, in the county of Macon:

An act entitled an act to provide a revenue for the county of Conecuh:

An act entitled an act to declare Drucilla Roberts of Fayette, a free dealer:

Mr. Garrett, from the committee on enrolled bills, reported as correctly enrolled:

An act to repeal an act, therein named:

An act repealing the charter of the town of Ashville, in the county of St. Clair:

An act to authorize James Lamar, to sell certain property therein named:

An act for the relief of Achsah Hogg.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles:

An act to divorce certain persons therein named:

An act to legalize a certain marriage therein named:

An act to divorce certain persons therein named.

And then the House adjourned.

#### NIGHT SESSION, January 21, 1845.

The House met pursuant to adjournment.

Mr. Davis of L. offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will meet in the Hall of the House on Saturday next, the twenty fifth instant, at twelve o'clock, M. for the purpose of electing a President and Directors for the Branch Bank at Decatur; a President and Directors for the Branch Bank at Huntsville; a President and Directors for the Branch Bank at Montgomery; a President and Directors for the Branch Bank at Mobile; and a President and Directors for the State Bank at Tuscaloosa; which was adopted.

Mr. Bowden introduced a bill to change the time of holding the Circuit Court of Talladega county, and for other purposes; which was read the first, second and third times and passed.

The bill to change the time of holding the County Court of Dale county, was read the second and third times and passed.

A bill from the Senate to extend the time for the removal of certain slaves emancipated by the decree of the County Court of Clarke county, was read the second and third times and passed.

The bill from the Senate to regulate the pay of petit jurors, in Henry, Dale, Coffee and Covington counties, was read the second and third times.

Mr. Allen of R. moved to amend by extending the provision of the bill to Randolph county; which was carried.

The bill passed.

The bill from the Senate for the relief of Mary Ronan, was read the second time and ordered to a third reading.

The bill from the Senate authorizing the commissioners of the sixteenth section, township thirteen, range one, west, in the Demopolis district, to rescind a contract therein named, was read the second time and ordered to a third reading.

Mr. Williams of M. introduced a bill for the relief of Venus Hassell and other persons therein named; which was read the first, second and third times and passed.

The bill from the Senate to incorporate the Coosa manufacturing company, was read the second time and ordered to a third reading.

The bill from the Senate to compensate D. Lyman Beecher for certain services therein named:

The bill from the Senate for the relief of Mary Ann Delana Tarleton, of Autauga county:

The bill from the Senate for the relief of Eliza Ann Rossiter, of Wilcox county:

The bill from the Senate to amend an act for the support of pauper in the county of Butler, passed January sixth, eighteen hundred and forty-four:

The bill from the Senate to incorporate the Florence Fire Engine Company:

The bill from the Senate for the relief of Elizabeth Waldron, of Wilcox county:

The bill from the Senate to change the name of Benjamin D. Horton of Madison county:

Were severally read the second time and ordered to a third reading.

Mr. Bell, from the committee on enrolled bills, reported as correctly enrolled:

An act to authorize Wm. H. Tarrance, to establish a ferry across the Alabama river, and for other purposes:

An act for the relief of William Payne:

An act to incorporate the Greenville Academy, in the county of Butler:

An act to authorize Edmund Wiggins, to erect a toll bridge over Pe River, in Coffee county, at Geneva:

The bill from the Senate to explain an act for the relief of Thomas J. Zimmerman, and Wm. O. Pallen, passed fourteenth February, eighteen hundred and forty-three, was read the second time and ordered to a third reading.

The bill from the Senate to divide the county of Walker into two regiments, was read the second time and ordered to a third reading.

The bill from the Senate to appoint Will E. Bird, escheator for the county of Dallas, was read the second time and ordered to a third reading.

The bill from the Senate to change the name of a certain person therein named, and for other purposes, was read the second time and ordered to a third reading.

The bill from the Senate for the relief of Robert Terry, was read the second time and laid on the table.

The bill from the Senate for the relief of Jacob S. Marsh, was read the second time and ordered to a third reading.

The bill from the Senate to compensate Logan D. Brandon, for certain



services therein named, was read the second time and ordered to a third reading.

The bill from the Senate for the relief of Caroline M. Youngblood, was read the second time and ordered to a third reading.

The bill from the Senate for the relief of Aquilla Jones, of the county of Blount, was read the second and third times and passed.

The bill from the Senate to amend an act entitled an act to incorporate Lafayette, in Chambers county, was read the second time and ordered to a third reading.

The bill from the Senate for the relief of Jack Shackelford, was read the second and third times and passed.

The bill from the Senate for the relief of Moses W. Simmons, of Talladega county, was read the second time.

Mr. Bowdon moved to amend; which was carried.

The bill was read the third time and passed.

The bill from the Senate for the relief of Martha Richardson, of Greene county, was read the second time and ordered to a third reading.

The bill from the Senate for the relief of Mrs. Mahulda Childress:

The bill from the Senate for the relief of James Ward, of Henry county:

The bill from the Senate for the relief of James V. Robinson:

The bill from the Senate to incorporate the Girard Rail Road Company:

The bill from the Senate to authorize the Judge of the County Court of Jackson county and Commissioners of roads and revenue, to perform certain duties therein named:

The bill from the Senate for the relief of Elizabeth Oats, of Henry county:

The bill from the Senate for the better organization of so much of the fourth division of Alabama militia as lies within the city of Mobile:

The bill from the Senate to amend the several laws now in force incorporating the town of Demopolis, in Marengo county:

The bill from the Senate for the relief of Wm. Erwin, of Perry county:

The bill from the Senate to change the time of holding the Circuit Courts of Limestone county:

The bill from the Senate to lay out and open a certain road in Monroe county:

The bill from the Senate for the relief of John Kirksey and Robert B. W. Kirksey:

The bill from the Senate for the benefit of Elizabeth H. Thorpe:

Were severally read the second time and ordered to a third reading.

The bill from the Senate for the relief of Joel Durham, was read the second time and ordered to a third reading.

The bill from the Senate for the relief of certain purchasers of sixteenth section lands, was read the second time:

Mr. Clemens moved to postpone the bill indefinitely; which was lost. Yeas 17—Nays 52:

YEAS—messrs. Chandler, Clemens, Cook, Croom, Griffin, Howard, Jemison, Jones of Conecuh, Jones of Lawrence, Jones of Limestone, Maples, Phillips, Portis, Scott of J. Smith of L. Watts of B. and Webb.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Barnett, Bell, Bowdon, Brandon, Cooper, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Hall, Harris, Hays, Hill, Hobdy, Jackson, Johnson, Jones of Benton, Jones of Blount, Kennedy, King, Kittrell, Lansdale, Lea, Mason, Morrisett, Mudd, Prince, Perry, Roby, Rose, Scott of M. Seawell, Snowden, Speight, Steele, Treadwell, Walker, Watts of D. Williams of J. Williams of M. Winston, Woodward and Young.

Mr. Barnet moved to amend as follows:

“*Provided*, the contract shall not be rescinded without the consent of the obligors thereto.”

Which was adopted.

And the bill read the third time and passed.

The bill from the Senate for the relief of Elizabeth D. Anderson, of Franklin county:

The bill from the Senate for the relief of Mary J. Kellum:

The bill from the Senate to revive an act, to incorporate the town of Yorkville, in the county of Pickens:

The bill from the Senate for the relief of Louisa Sharpe, of Macon county:

The bill from the Senate to authorize a sale of a portion of Lafayette street, in the town of Lafayette, in Chambers county:

Were severally read the second time and ordered to a third reading.

The bill to abolish the office of County Treasurer, in the county of Benton:

The bill for the relief of Elizabeth A. Lea:

The bill requiring a special Commissioner's Court, in Cherokee county:

Were severally read the second time and ordered to be engrossed for a third reading.

The bill to repeal an act entitled an act, to attach a part of the county of Pickens to the county of Greene, was read the second time and laid on the table.

The bill to incorporate the Eufaula Male and Female Academy, was read the second and third times and passed.

The bill to incorporate the Dallas Mounted Guards, in the county of Dallas, was read the second time:

Mr. King moved to amend; which was adopted.

The bill was read the third time and passed.

The bill legitimating the children of John Rapier, was read the second and third times and passed.

And the House adjourned.

JANUARY 22, 1845.

House met pursuant to adjournment.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles:

An act to permit the Jackson county Guards to remain a body corporate with a less number of privates than forty, and for other purposes:

An act to change the time of holding the Circuit Court of Perry county:

An act to incorporate the Robinson Institute, for purposes of education, in the county of Autauga:

An act to extend the terms of the Circuit Court of Pickens, and to change the time of holding the Circuit Court of Sumter:

An act to incorporate the Howard College, in Marion, Perry county:

An act for the relief Philip Phillips, Esq :

An act to compel certain persons therein named to work on public roads, in Blount and Jackson counties:

An act to divide the forty-eighth regiment of the Alabama militia:

An act to permit the Captain's company in beat number four, eighteenth regiment of Alabama militia, to remain a company with a less number than forty privates:

An act to incorporate the town of Polkville, in the county of Benjamin:

An act to regulate the pay of jurors, in the county of Butler:

An act to permit the taking of testimony by deposition, in the counties of Monroe, Clarke and Washington, and reciprocally in the county and city of Mobile:

And act for the benefit of Elizabeth H. Tier:

Which originated in the House.

The amendments of the Senate to the bill to appropriate the two per cent. fund, were concurred in. Yeas 59—Nays 28:

YEAS—messrs. Speaker, Aldridge, Allen of B. Barnett, Beck, Bl, Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dunn, Edwards, Fletcher, Gamble, Garrett, Griffin, Hall, Hays, Hill, Hobdy, Jones of Benton, Jones of Blount, Jones of Limestone, Judge, Kidd, Kimbell, Kittrell, Lindsdale, Lea, Maples, McClung, Miree, Mitchell of B. Morris, Patton, Perrine, Phillips, Portis, Rose, Scott of J. Scott of M.

Seawell, Smith of M. Speight, Spencer, Stith, Treadwell, Webb Williams of J. Winston, Woodward and Young.

**NAYS**—messrs. Alexander, Baugh, Dufreese, Harris, Howard, Jackson, Jemison, Johnson, Jones of C. Jones of Franklin, Jones of Lawrence, King, Mason, Meriwether, Merrick, Mitchell of T. Morrison, Mudd, Norman, Perry, Roby, Smith of L. Snowden, Steele, Storrs, Walker, Watts of B. and Watts of D.

The amendments of the Senate to the joint resolutions proposing an amendment to the constitution, so as to have biennial sessions of the Legislature, were read the second time.

Mr. Jemison moved to strike out "yea or nay," and insert "removal or no removal."

Mr. Rose moved the previous question; which was sustained. Yeas 55—Nays 31:

**YEAS**—Messrs. Speaker, Aldridge, Allen of B. Allen of R. Barnett, Baugh, Beck, Bowdon, Brandon, Chandler, Clay, Cobb, Edwards, Gamble, Grady, Griffin, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Johnson, Jones of Benton, Jones of Lawrence, Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Maples, Merrick, Miree, Mitchell of B. Morrisett, Perry, Phillips, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Steele, Stith, Storrs, Treadwell, Walker, Watts of D. Webb, Williams of J. and Winston.

**NAYS**—messrs. Alexander, Bell, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Fletcher, Garrett, Hall, Jemison, Jones of Blount, Jones of C. Jones of F. Jones of Limestone, Kennedy, Martin, McClung, Meriwether, Mitchell of T. Mudd, Norman, Patton, Perrine, Prince, Roby, Spencer, Watts of B. Woodward and Young.

The amendments were ordered to a third reading. Yeas 63—Nays 27:

**YEAS**—messrs. Allen of B. Allen of R. Barnett, Baugh, Beck, Bel Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Cooper, Dum Edwards, Gamble, Garrett, Grady, Griffin, Hall, Hill, Hobdy, Howard, Inge, Jackson, Jones of Benton, Jones of C. Jones of F. Judge, Kidd, Kimbell, King, Lansdale, Maples, Mason, Merrick, Miree, Mitchell of B. Morrisett, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Snowden, Speight, Steele, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. and Williams of M. Winston and Young.

**NAYS**—messrs. Aldridge, Alexander, Baker, Croom, Davis of F. Davis of L. Dufreese, Fletcher, Harris, Hays, Jemison, Johnson, Jones of Blount, Jones of Law. Jones of Limestone, Kennedy, Kittrell, Martin, McClung, Meriwether, Mitchell of T. Mudd, Norman, Smith of Spencer, Stith, and Woodward.

A bill to provide for the payment of claims against the State, taken up.

Mr. Chandler moved to amend; which was adopted.

Mr. Davis of L. moved to amend by adding "also ninety-one dollars for A. C. Cain;" which was adopted.

Mr. Dufreese moved to amend by adding "also twelve dollars to R. Parker;" which was adopted.

Mr. Aldridge moved to amend by adding "also sixteen dollars for A. Murphree;" which was lost.

Mr. Clay moved to amend by adding "also fifty dollars for J. C. Camp, of Jackson county;" which was lost.

Mr. Jones of L. moved to strike out, appropriation to J. H. Elliott; which was carried.

Mr. Portis moved to amend by striking out the allowance to Megginson and Stramler; which was carried.

The bill was read the third time and passed.

Mr. Moore, moved to suspend the rules, that he might introduce a bill; which was carried. Yeas 60—Nays 17:

YEAS—messrs. Speaker, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Cooper, Croom, Davis of F. Davis of L. Dunn, Fletcher, Gamble, Garrett, Griffin, Hays, Hill, Hobdy, Inge, Jemison, Johnson, Jones of Blount, Jones of Limestone, Judge, Kennedy, Kittrell, Landsdale, Maples, Martin, McClung, Merrick, Miree, Mitchell of T. Mudd, Norman, Phillips, Portis, Prince, Scott of J. Smith of L. Snowden, Spencer, Steele, Stith, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Barnett, Grady, Hall, Harris, Howard, Jackson, Jones of Benton, Jones of C. Kimbell, King, Mason, Meriwether, Patton, Roby, Rose, Scott of M. and Storrs.

Mr. Moores thereupon introduced a bill to amend an act, entitled an act to raise a revenue for the support of the State government, and to maintain the faith and credit of the State of Alabama; which was read the first and second times.

Mr. Walker moved to amend as follows:

*Be it further enacted*, That in the language of the constitution, all lands liable to taxation in this State shall be taxed in proportion to their value, any law, usage, or custom to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That there shall be levied and collected upon all lands subject to taxation, in this State, twenty cents for every hundred dollars value thereof; upon all lots or buildings, in any city or corporate town, twenty cents upon each hundred dollars value thereof, to be ascertained as hereinafter provided.

Sec. 3. *And be it further enacted*, That the value of said lands shall be ascertained by the oath of the owner, or owners, his, her or their agents, or attorneys, and all lands, so taxed as aforesaid shall be returned, and the taxes thereon paid in the county where the same may lie, and if the tax collector shall be of opinion that the value placed upon lands there given is too low, that it shall be the duty of said collector, to summon two discreet free holders, who shall together with himself, value the same on oath.

Sec. 4. *And be it further enacted*, That whenever the owner, or

agent of lands, lots, or buildings, in any city, or town, within this State shall neglect, or refuse to assess the value, thereof as aforesaid, it shall be the duty of the tax collector to summon two freeholders of the vicinage to determine the value of the same on oath, which valuation shall be final, and conclusive.

Mr. Rose moved to lay the amendment on the table; which was lost. Yeas 35—Nays 53:

YEAS—messrs Barnett, Beck, Cook, Gamble, Grady, Howard, Jackson, Johnson, Jones of Benton, Jones of C. King, Kimbell, Kittrell, Lea, Mason, Merrick, Mitchell of B. Mitchell of T. Morrisett, Patton, Perrine, Portis, Prince, Rose, Scott of M. Seawell, Snowden, Spencer, Steele, Storrs, Treadwell, Watts of B. Watts of D. and Woodward.

NAYS—messrs Speaker, Aldridge, Alexander, Allen of B. Allen of R. Bangh, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Cooper, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Garrett, Griffin, Hall, Harris, Hays, Hill, Hobdy, Jemison, Jones of Blount, Jones of F. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Lansdale, Maples, Martin, McClung, Meriwether, Miree, Morrison, Mudd, Norman, Perry, Roby, Scott of J. Smith of L. Smith of M. Stith, Walker, Webb, Williams of J. Winston and Young.

Mr. Cobb introduced a bill to change the mode of taxing land in this State; which was read the first time.

Mr. Judge moved to take up the joint resolutions from the Senate, authorizing Samuel C. Oliver, to draw and receipt for the amount due to R. C. Banting, deceased, late a representative from the county of Montgomery; which was carried, and the joint resolutions read the first, second and third times and passed.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has originated and passed a bill to be entitled an act for the relief of Levi Robbins, in which the concurrence of the House of Representatives, is respectfully asked.

A message from the Senate, by Mr. Marrast:

The Senate concurs in the report made by the committee of conference, on the part of the Senate on the bill to apportion Representatives, among the several counties in this State, and to divide the State into Senatorial districts, which report insists on the amendments made by the Senate to the bill from the House of Representatives.

The House adjourned.

#### AFTERNOON SESSION, January 22, 1845.

The House met pursuant to adjournment.

And resumed the consideration of the bill to amend an act entitled an act to raise a revenue for the support of the State Government, the question pending on the amendment offered by Mr. Walker.

Mr. Chandler moved to amend as follows:

Sec. 17. *And be it further enacted*, That the Judges of the Circuit Courts in this State, shall at the first term to be held in the respective counties, after the passage of this act, and annually at the spring terms of the Courts, upon the recommendation of a majority of the Grand Jurors that may be impaneled at said term, appoint three persons or a less number if they think proper, well qualified to perform the duties required of them by this act, to be known by the name of County Assessors, to take in a list of the taxable property and polls, and to value the real estate within their counties, which assessors at the time of being so appointed, shall take and subscribe in open court, the following oath, to wit:—"I, A. B. do hereby swear (or affirm) that I will well and truly take in a list of all taxable property and polls, that may come to my knowledge within my district in the county of agreeably to law—that I will use all lawful means to find out all the property and polls liable to taxation in said district, and that I will truly and to the best of my knowledge, skill and judgment, value all the real estate liable to be taxed in said district, having due regard to its location, its proximity to city or town, or navigable water course, and the improvements thereon, and that I will do equal and impartial justice to the public and to individuals—so help me God." Which oath shall be subscribed, and recorded by the clerks of the Circuit Courts aforesaid: *Provided*, that if from any cause, said assessors shall fail to take said oath at the spring term of said Circuit Courts, they shall take it before the Judge of the County Court of their respective counties, and the same shall be recorded by the clerks thereof, before such assessors enter upon the discharge of their duties.

Sec. 18. *And be it further enacted*, That if any assessor appointed by the Court aforesaid, shall die, remove, refuse to act, or from any other cause be unable to take in a list of taxable property and polls, then it shall be the duty of the Judge of the County Court, upon the recommendation of a majority of the Grand Jurors impaneled at the preceding term of the Circuit Court in said county, to appoint some other suitable person to fill the vacancy thus created, who shall take the same oath, perform the same duties, be liable to the same penalties as are required of the assessors appointed by the Circuit Courts, and receive the same compensation. And in like manner should there be a failure of the spring term of any of any of the Circuit Courts, so that no assessors be appointed, or should a majority of said Grand Jurors neglect or refuse to make any recommendation of an assessor or assessors, they shall be appointed by the Judge of the County Court.

Sec. 19. *And be it further enacted*, That all assessors appointed as herein provided, shall before entering on their duties, give bonds with sufficient security, payable to the Governor and his successors in office, in such penalty as may be prescribed by the Judge of the Circuit or County Court, as the case may be, conditioned for the faithful performance of the duties of their office, according to law; which bond may be put in suit in the

name of the Governor, whenever, and as often as the Judge of the County Court may believe it has been violated.

Sec. 20. *And be it further enacted*, That it shall be the duty of the Court of Commissioners of Revenue and Roads in each county, in this State, at the first term of their Courts, after the passage of this act, to divide their respective counties into not more than three districts, as nearly equal as may be, should they think a division necessary, to be designated numerically; and the said Courts, after defining the bounds of said districts, shall at the first term of their Courts after the appointment of the assessors, assign to each his district.

Sec. 21. *And be it further enacted*, That every assessor in this State, shall have a book containing a list of the land tax within his district, making separate tables for the tracts of land and the town lots, and each assessor shall enter and describe the tracts of land, in the following manner, to wit: In the first column they shall enter the name of the person who owns the land; in the second, the place of his residence; in the third, the description of the land, according to sectional divisions and sub-divisions; in the fourth, the value of the land; and in the fifth, the amount of the tax on the land, and the assessor shall enter and describe the city or town lots, in the following manner: in the first and second columns, the owner's residence shall be designated; in the third the number of lots in any city or town; in the fourth, the name of the city or town; in the fifth, the value of the lots; in the sixth, the amount of the tax on the lots; in the seventh, the improvements on said lots.

Sec. 22. *And be it further enacted*, That it shall be the duty of each and every assessor, to attend on the first Monday in May, eighteen hundred and forty-five, or as soon thereafter as practicable; and afterwards on the first Monday in May, in each and every year, at a place to be designated in their respective districts, giving ten days previous notice, by advertisement, in three of the most public places in the district, of the time and place, to take in a list of the taxable property and polls in said district.

Sec. 23. *And be it further enacted*, That it shall be the duty of the persons owing property in the districts, to attend at the time and place thus designated, and to return to the assessors the amount of their taxable property and polls liable to taxation, under the provisions of this act, and which they owned or possessed on the

day of  
on the  
eighteen hundred and forty-five, and  
day of

in each year thereafter, or for which they are agents, and shall in writing specify the number of tracts of land and city or town lots, the number of acres in each tract, the situation of each tract, with the improvements thereon. Also, the number of city or town lots, with the situation, boundaries, and value thereof, and improvements thereon.

Sec. 24. *And be it further enacted*, That it shall be the duty of the assessors, in each district, to find out the property and polls therein, liable to taxation, whether the same shall have been given in or not, and to



the best of their knowledge, skill and judgment, value all the real estate liable to taxation in their districts, having regard to its location, its proximity to city or town, or navigable water course, and all the improvements thereon; and when the assessors shall have taken in and made out a full and complete list of all the taxable property and polls within their districts, and shall have valued the lands, as herein prescribed, they shall return their books of appraisement to the Clerks of the County Courts of their respective counties.

Sec. 25. *And be it further enacted*, That when any land or lot has been omitted from any cause to be entered or appraised, it shall be the duty of the assessors to enter and value the same according to the provisions of this act, and to charge the taxes thereon for such time and at such rate for each year, as if the same had been duly given in and assessed; and as a penalty for the failure of the owner of such land or lot, to render in the same to the assessor, that it may be entered and valued as aforesaid, the assessor shall charge thereon besides the amount of tax, damages at the rate of twenty per centum, per annum, on the amount of each year's tax, which shall have fallen due, up to the time when the same shall be given in, or ascertained.

Sec. 26. *And be it further enacted*, That in all cases where the assessors shall not be able to find out the owners of land or lots liable to taxation in their several districts, it shall be their duty, and they are hereby required to publish a list of all such lands or lots, in some newspaper published in their respective counties, or if none such therein, to advertise the same in three public places in said county, for thirty days; and in case the owner shall not, within the thirty days, enter said land or lots, the assessors shall proceed to enter and value the same to the best of the information they can obtain.

Sec. 27. *And be it further enacted*, That it shall be lawful for the assessors when they shall discover any error or mistake in the quantity or valuation of any land or lots, or in any of their returns, to rectify the same, so as to correspond with the facts in each case.

Sec. 28. *And be it further enacted*, That in estimating the value of lands and lots under this act, said assessors shall be governed not by what such lands or lots would bring at a forced sale, nor by the value on credit, but what they may consider the same intrinsically worth to persons who might desire to purchase such estate for their own use.

Sec. 29. *And be it further enacted*, That nothing but gold and silver, the notes of the Bank of Mobile, and the notes of the Bank of the State of Alabama and its Branches, shall be received into the Treasury; and the collectors shall, in all cases, pay into the Treasury, the kind of funds by them collected.

Sec. 30. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed.

The House refused to adopt the amendment.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor this day approved bills of the titles following:

An act to incorporate the Mobile and Baldwin county manufacturing company:

An act for the relief of Achsah Hogg.

An act repealing the charter of the town of Ashville, in the county of St. Clair:

An act to repeal an act therein named:

An act for the relief of Levi Freeman:

An act to legalize a certain marriage therein named:

An act to compensate the commissioners of roads and revenue of the county of Macon:

An act to increase the salary of the Judge of the County Court of Mobile county:

An act to divorce certain persons therein named:

An act to authorize James Lamar, to sell certain property therein named:

An act to authorize the election of eight commissioners of the Court of roads and revenue in the county of Conecuh:

An act for the relief of Louisa Allen:

An act to divorce certain persons therein named:

An act to legalize a certain marriage therein named:

An act for the relief of Doctor Elijah Dodson, of Talladega county, and others:

An act for the relief of the estate of Raymond Burroughs, deceased:

An act to authorize the establishment of a medical college at Wetumpka:

An act declaring Margaret Shegog, a free dealer, and for other purposes:

An act to declare Drucilla Roberts, of Fayette county, a free dealer:

An act to provide a revenue for the county of Conecuh:

An act for the relief of Vines Smith, of the county of Coosa:

An act to change time of holding the Court of Commissioners of roads and revenue in the county of Perry, and for other purposes:

An act for the relief of William Payne:

An act for the relief of John Garner; also,

Report of the committee on Federal Relations, on the resolutions of the States of Massachusetts and South Carolina, which originated in the House.

The House proceeded with the consideration of the bill, under consideration, the question pending on the amendment offered by Mr. Walker.

Mr. Brandon moved to amend the amendment as follows:

*Provided*, That the valuation of lands under this act shall include the value of houses and other improvements thereon attached to the premises as fixtures.

The amendment was adopted. Yeas 45—Nays 39.

YEAS—messrs. Allen of B. Allen of R. Baker, Baugh, Bell,

Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Davis of F. Davis of L. Dufreese, Dunn, Garrett, Gewin, Grady, Griffin, Hays, Hill, Jones of F. Jones of Lawrence, Jones of Limestone, Kennedy, Kidd, Kimbell, Kittrell, Maples, Martin, McClung, Mudd, Norman, Perrine, Perry, Phillips, Scott of J. Scott of M. Smith of M. Walker, Watts of B. Webb, Williams of J. Winston, and Young.

NAYS—messrs. Speaker, Aldridge, Alexander, Barnett, Beck, Croom, Edwards, Hall, Harris, Hobdy, Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of C. King, Lansdale, Lea, Mason, Meriwether, Merrick, Miree, Morrisett, Patton, Portis, Prince, Roby, Rose, Seawell, Smith of L. Snowden, Speight, Spencer, Steele, Stith, Treadwell, Watts of D. and Woodward.

Mr. Kittrell moved to reconsider the vote refusing to adopt the amendment offered by Mr. Chandler.

The House refused to reconsider. Yeas 28—Nays 53:

YEAS—messrs. Barnett, Bell, Brandon, Chandler, Clay, Cooper, Croom, Davis of L. Dunn, Grady, Harris, Inge, Jones of F. Kittrell, Martin, McClung, Mitchell of T. Mudd, Norman, Perrine, Portis, Prince, Scott of J. Scott of M. Seawell, Speight, Storrs and Woodward.

NAYS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Baugh, Beck, Bowdon, Cobb, Cook, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Garrett, Hall, Hays, Hill, Hobdy, Howard, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Kennedy, King, Lansdale, Lea, Maples, Mason, Meriwether, Miree, Morrisett, Patton, Perry, Roby, Rose, Smith of L. Snowden, Steele, Stith, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of M. and Young.

Mr. Davis of L. moved to amend the amendment, as follows:

*Be it further enacted*, That nothing but gold and silver and the notes of Bank of Mobile, and the Bank of the State of Alabama and its Branches, shall be received into the Treasury, and the collectors shall in all cases pay into the Treasury, the kind of funds by them collected. Which was adopted.

Mr. Jemison moved to amend, as follows:

*Be it further enacted*, That from and after the passage of this act, persons giving in the same shall not be governed by what such lots or lands would bring, at a forced sale, not by the value and credit, but by what they consider the same intrinsically worth to persons who desire to purchase such estate for their own use.

Mr. Walker moved to lay the amendment to the amendment on the table; which was lost. Yeas 27—Nays 54:

YEAS—messrs. Alexander, Brandon, Clay, Cobb, Edwards, Gamble, Hays, Hill, Howard, Jones of Benton, Jones of Blount, Jones of Con. Jones of Lawrence, King, Lea, Maples, Mason, McClung, Merrick, Miree, Perry, Roby, Scott of J. Smith of L. Snowden, Walker and Woodward.

NAYS—messrs Speaker, Aldridge, Allen of B. Allen of R. Barnett, Baugh, Beck, Bell, Bowdon, Chandler, Cook, Cooper, Croom, Davis of F. Davis of L. Dunn, Fletcher, Garrett, Grady, Hall, Harris, Hobdy, Inge, Jackson, Johnson, Jemison, Jones of F. Jones of Limestone, Kennedy, Kidd, Kittrell, Lansdale, Martin, Meriwether, Mitchell of T. Morrisett, Mudd, Norman, Patton, Perrine, Phillips, Portis, Prince, Scott of M. Seawell, Speight, Steele, Stith, Storrs, Treadwell, Watts of B. Watts of D. Webb and Young.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

Joint resolutions authorizing Samuel C. Oliver to draw and receipt for the pay of Richard C. Bunting, deceased, late a member of the House of Representatives, from the county of Montgomery.

And the House adjourned.

#### NIGHT SESSION, January 22, 1845.

House met pursuant to adjournment.

The amendments of the Senate to the joint resolutions to authorize the Governor to appoint an agent to collect from the Federal Government the sums due to this State for advances on account of the Creek Indian hostilities, were concurred in.

The bill from the Senate to limit the time of holding the County Court of Tuscaloosa county, was read the first time and ordered to a second reading.

The bill from the Senate to regulate the Sheriff's and Coroner's sales in certain counties, was read the first and second times and ordered to a third reading.

The bill from the Senate to attach a part of Monroe to Wilcox county, was read the first time and ordered to a second reading.

The amendments of the Senate to the bill, to authorize the court of roads and revenue of Butler county, to levy a county tax, were concurred in.

The bill from the Senate authorizing the Commissioners of the town of Dadeville to dispose of the unsold lots of said town, was read the first time and ordered to a second reading.

The bill from the Senate to authorize the acting officers of the Seminole Rangers to execute a bond for a portion of the arms of the State, and for other purposes, was read the first time and ordered to a second reading.

The bill from the Senate to amend the charter of the city of Tuscaloosa, was read the first and second times, and referred to the delegation from Tuscaloosa county.

The bill from the Senate to attach a part of the county of Monroe to the county of Clarke, was read the first time and ordered to a second reading.

The bill from the Senate to authorize Eli E. Gaither, to erect a mill on the west bank of the Coosa river, was read the first time and ordered to a second reading.

The bill from the Senate to assess and collect a county tax for the county of Russell, was read the first time and ordered to a second reading.

The bill from the Senate for the relief of Joel Durham, was read the third time and passed. Yeas 47—Yeas 18:

YEAS—messrs. Speaker, Aldridge, Allen of B. Barnett, Baugh, Beck, Bowden, Brandon, Cobb, Cook, Davis of F. Davis of L. Dufresne, Edwards, Fletcher, Gamble, Griffin, Hall, Hays, Hill, Inge, Jackson, Johnson, Jones of Ben. Jones F. Jones of Law. Kennedy, Kittrell, Lansdale, Maples, Mason, Miree, Mitchell of B. Patton, Perry, Portis, Roby, Seawell, Snowden, Speight, Steele, Treadwell, Webb, William of J. Winston, Woodward and Young.

NAYS—messrs. Chandler, Clarke, Croom, Howard, Jones of Con. Kimbell, King, McClung, Meriwether, Morrisett, Mudd, Perrine, Phillips, Scott of J. Scott of M. Storrs, Watts of B. and Watts of D.

Mr. Cook, from the committee on enrolled bills, reported as correctly enrolled:

An act to provide for the support of paupers, in the counties of Chambers and Lowndes:

An act to change the time of holding the County Court of Greene county:

An act for the relief of Sally Clopton and Maria Kinkell:

An act explanatory of an act, approved February thirteenth, eighteen hundred and forty-three, for the relief of Adeline R. Durham.

The bill for the relief of Josiah Starling, was read the third time and passed. Yeas 44—Nays 17:

YEAS—messrs. Aldridge, Allen of B. Baker, Barnett, Baugh, Beck, Bowden, Brandon, Cook, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Griffin, Hays, Hill, Hobdy, Inge, Jackson, Jones of Benton, Jones of Lawrence, Kennedy, Kittrell, Lansdale, Lea, Mason, Maples, Merrick, Mitchell of B. Patton, Perry, Portis, Roby, Seawell, Snowden, Speight, Steele, Treadwell, Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Chandler, Clarke, Croom, Howard, Jones of C. King, McClung, Meriwether, Morrisett, Mudd, Perrine, Phillips, Scott of J. Scott of M. Smith of L. Storrs and Watts of B.

The bill from the Senate to compensate the President of the State Bank for extra service, was read the third time.

Mr. Prince moved to amend as follows:

*And be it further enacted*, That the sum of one hundred dollars, be, and the same is hereby appropriated a compensation to James Penn, for his services in purchasing bills of exchange for the purpose of meeting the interest on the State bonds; which was lost.

The bill passed. Yeas 43—Nays 33:

**YEAS**—messrs. Speaker, Alexander, Barnett, Baugh, Beck, Bowdon, Brandon, Chandler, Clarke, Cooper, Croom, Dufreese, Griffin, Harris, Hobdy, Howard, Inge, Jackson, Johnson, Kennedy, Kittrell, Martin, McClung, Meriwether, Miree, Mitchell of B. Mudd, Patton, Phillips, Portis, Prince, Roby, Rose, Seawell, Speight, Steele, Stith, Storrs, Treadwell, Watts of B. Winston, Woodward and Young.

**NAYS**—messrs. Aldridge, Baker, Cobb, Cook, Davis of F. Davis of L. Edwards, Fletcher, Gamble, Hall, Hays, Hill, Jemison, Jones of Ben. Jones of C. Jones of F. Jones of Law. Kimbell, King, Lansdale, Lea, Maples, Mason, Merrick, Perrine, Perry, Scott of J. Scott of mar. Smith of L. Snowden, Watts of B. Webb, and Williams of J.

The engrossed bill for the relief of sundry persons therein named, was read the third time

Mr. Cooper moved to amend as follows:

*And be it further enacted*, That the Comptroller shall issue his warrant in favor of Wm. W. Garrard, or any person for his use, for any part of this appropriation for which he may have any claim until he shall produce satisfactory proof from the Branch Banks at Huntsville and Decatur, that he has either paid, or secured beyond doubt, his indebtedness to said Banks.

Mr. Jemison moved to amend the amendment so as to prevent any person drawing any portion of the appropriation until W. W. Garrard, had paid, or secured to be paid, all his indebtedness to the State Bank and Branches

The amendment to the amendment was adopted.

The amendment was adopted and the bill passed.

The bill from the Senate, for the relief of Mary Ann Delana Tarleton, was read the third time, and passed.

The bill from the Senate, authorizing the Commissioners of the sixteenth section, township thirteen, range one, west, in the Demopolis Land District, to rescind a certain contract therein described, was read a third time and passed.

Mr. Bell, from the committee on enrolled bills, reported as correctly enrolled:

An act to divorce certain persons therein named:

An act to incorporate the town of Carrollton, in the county of Pickens:

An act to compensate Benjamin A. Philpot, of Morgan county, for certain services:

An act to incorporate the Bay Minette Manufacturing Company:

An act to authorize the erection of a toll bridge or a public ferry across Wills' Creek, and for other purposes:

An act to incorporate the Franklin Academy, in the county of Russell:

Preamble and joint resolutions in relation to the public lands.

And then the House adjourned.

JANUARY 23, 1845.

The House met pursuant to adjournment.

Mr. Kimball, from the select committee, to whom was referred the petition of sundry citizens of the county of Macon, reported a bill and recommended its passage.

The bill was read three several times forthwith, and passed.

Mr. Winston, from the committee on privileges and elections, to whom was referred the claim of Samuel French, reported the same back to the House and recommended its reference to the committee on propositions and grievances.

Ordered, that the claim be so referred.

Mr. Stith, from the committee on corporations, to whom was referred the petition and counter petition of sundry citizens of the city of Tuscaloosa, asking for, and objecting to certain amendments to the charter of said city, reported that it would be inexpedient to legislate on the subject, and asked to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Stith, from the same committee, to whom was referred the petition of sundry citizens of the town of Paynesville, in the county of Sumter, asking for a repeal of a certain act therein named, reported a bill and recommended its passage.

The bill was read the first time, and ordered to second reading on tomorrow.

Mr. Mitchell of T. from the committee on roads, bridges and ferries, to whom was referred the petition of David G. Ligon, praying the Legislature to authorize him to turnpike a certain road therein named, reported that it was inexpedient to grant the prayer of the petition.

The report was concurred in.

Mr. Mitchell of T. from the same committee, to whom was referred the petition of sundry citizens of St. Clair and other counties, praying that one Henry J. Parham may be authorized to turnpike a certain road therein named, reported that it was inexpedient to legislate on the on the subject, and asked to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

The bill for the relief of Mary W. Martin, of Limestone county, was read the second and third times and passed.

The bill to incorporate the President and Trustees of the Female Seminary, in Pickens county, was read the third time and passed.

Mr. McClung, from the committee of conference, on the part of the House, to act with the committee appointed on the part of the Senate, on the disagreement of the two Houses, in regard to the bill to apportion the Representatives among the several counties in this State, and to divide the State into Senatorial districts, made the following report:

The committee on the part of the House appointed to confer with a

committee of the Senate on the disagreement between the two Houses, on the apportionment bill, passed by the House of Representatives, have had the conference proposed, and have instructed me to report the result.

At the first meeting between the two committees, the matter of difference were fully discussed; it was urged on the part of the House, that the bill as passed by the House of Representatives was more in accordance with the spirit of the tenth section of the third article of the constitution, than the amendments of the Senate; that the section requiring that the Legislature should "fix by law the whole number of Senators, and divide the State into the same number of districts, as nearly equal the number of white inhabitants as may be," had not been sufficiently regarded by the Senate in their proposed amendment, and some of the more glaring inequalities were pointed out. To this the majority of the Senate committee answered, that although this inequality existed there were two other provisions of the constitution that could not be overlooked in framing a bill on the subject, and that these two provisions together were of paramount importance to the one relied on by the House. They insisted that Senators were entitled to their seats, under the constitution, for the term of three years, and that they were required to be divided into three classes, and a rotation thereby kept up perpetually. They contended that the bill of the House was so framed that two Senators were in some instances, thrown into the same district, each having a right to his seat as Senator for an unexpired part of the three years for which he was chosen. The two committees not having come to any agreement at their first interview agreed on another meeting, at which after some discussion on the subject of the matter of disagreement, the committee on the part of the House, laid before the committee of the Senate, the following communication. The committee on the part of the House, in addition to the objections heretofore urged verbally to the amendments of the Senate, which constituted the ground of disagreement between the two branches of the Legislature, urge that the bill of the House is a nearer approximation to the equality of white inhabitants.

Mr. Walker moved that the House, concur in the report of the committee; which was carried: Yeas 62—Nays 20:

YEAS—messrs. Speaker, Alexander, Allen of B. Allen of R. Baker, Bell, Bowdon, Brandon, Chandler, Clay, Clemons, Cobb, Davis of F. Davis of L. Edwards, Gamble, Garrett, Gewin, Hall, Hays, Hill, Hobly, Inge, Jackson, Jemison, Johnson, Jones of Ben. Jones of B. Jones of Conecuh, Jones of Franklin, Jones of Lawrence, Jones of Limestone, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of T. Morrison, Norman, Patton, Perry, Portis, Roby, Rose, Scott of J. Scott of Macon, Seawell, Smith of L. Smith of M. Snowden, Spreight, Steele, Stith, Treadwell, Walker, Webb, Williams of J. and Young.

NAYS—messrs. Barnett, Baugh, Clarke, Cook, Dufreese, Dunn,



riffin, Harris, Howard, Kennedy, Kidd, Kimbell, King, Kittrell, Mason, Morrisett, Perrine, Prince, Storrs, and Watts of D.

The House took up the bill from the Senate, to apportion Representatives, among the several counties in the State, and to divide the State into Senatorial districts.

Mr. Lea moved to amend as follows:

Sec. 2. That the counties of Lauderdale, Franklin, Limestone, Madison, Jackson, Cherokee, Benton, Talladega, Chambers, Macon, Montgomery, Russell, Barbour, Pickens, Tuscaloosa, Greene, Perry, Sumter and Mobile, shall each form one Senatorial district:

And that the counties of Lawrence and Morgan, shall form one Senatorial district:

And Fayette and Marion, one:

Blount and Marshall, one:

De Kalb and St. Clair, one:

Randolph and Tallapoosa, one:

Pike and Butler, one:

Henry and Dale, one:

Baldwin, Conecuh, Covington and Coffee, one:

Washington, Clarke and Monroe one:

Bibb and Shelby, one:

Marengo and Wilcox, one:

Coosa and Autauga, one:

Jefferson and Walker, one:

Dallas and Lowndes, one.

Sec. 3. *And be it further enacted*, That the Sheriffs of the counties of Lawrence, Fayette, Marshall, De Kalb, Butler, Henry, Coosa, Conecuh, Clarke, Marengo, Dallas, Bibb, Jefferson and Tallapoosa, shall be the returning officers of their respective districts.

The amendment was adopted. Yeas 63—Nays 20.

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Baker, Brough, Bell, Bowdon, Brandon, Chandler, Clay, Cooper, Davis of F. Davis of Limestone, Dufreese, Edwards, Gamble, Garrett, Gewin, Grady, Hall, Hays, Hill, Inge, Jackson, Jenkinson, Johnson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kennedy, Kittrell, Lea, Maples, Martin, McClung, Meriwether, Miree, Morrison, Mudd, Patton, Perry, Phillips, Portis, Roby, Rose, Seawell, Smith of L. Smith of M. Snowden, Speight, Steele, Stith, Storrs, Treadwell, Walker, Webb, Williams of J. Winston Woodward and Young.

NAYS—messrs. Allen of R. Barnett, Beck, Clarke, Cook, Dunn, Griffin, Harris, Hobdy, Howard, Judge, Kidd, King, Lansdale, Mason, Mitchell of T. Morrisett, Perrine, Prince, Scott of M. Watts of B. and Watts of D.

Mr. Dunn moved to amend the bill as follows:

*And be it further enacted*, That elections shall be held on the first Monday of August next in each of said Senatorial districts for the respective Senators thereof.

Mr. Lea moved to lay the amendment on the table; which was carried. Yeas 58—Nays 31:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Baugh, Bell, Bowdon, Brandon, Chandler, Clay, Clement Cooper, Davis of F. Dufreese, Edwards, Fletcher, Gamble, Garrett Gewin, Griffin, Hays, Hill, Hobdy, Inge, Jackson, Jones of Benton Jones of C. Jones of F. Jones of Lawrence, Kennedy, Lansdale, Le Maples, McClung, Merrick, Miree, Morrison, Norman, Patton, Perry Phillips, Portis, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Speight, Steele, Treadwell, Walker, Webb, Williams of J. Winston and Woodward.

NAYS—messrs. Barnett, Beck, Clarke, Cook, Davis of L. Dunn, Ha Harris, Howard, Jemison, Johnson, Jones of Limestone, Judge, Kidd Kimbell, King, Kittrell, Martin, Mason, Mitchell of T. Morrisett, Mudd Perrine, Scott of M. Snowden, Stith, Storrs, Watts of B. Watts of D. Williams of M. and Young.

Mr. Morrisett moved to amend the bill by striking out, "Baldwin, Conecuh, Covington and Coffee,"—and inserting, "Washington, Clark and Baldwin,"—also, by striking out, "Washington, Clarke and Monroe,"—and inserting, "Monroe, Conecuh and Covington."

Mr. King moved to amend the amendment as follows:—"Lowndes one, and Dallas and Perry one."

Mr. Lea moved to lay the amendment and the amendment to the amendment on the table.

A division of the question being called for, it was first taken on laying the amendment to the amendment on the table, and carried. Yeas 70—Nays 18:

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Beck, Bowdon, Brandon, Chandler, Cobb, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Gamble, Garrett Gewin, Griffin, Hall, Harris, Hays, Hill, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Lansdale, Lea, Maples, Martin, McClung, Meriwether Merrick, Miree, Mitchell of B. Morrison, Mudd, Norman, Patton, Perrine, Perry, Phillips, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Steele, Stith, Treadwell, Walker, Watts of D. Webb, Williams of J. Winston and Woodward.

NAYS—messrs. Clarke, Clay, Cook, Cooper, Grady, Howard, Jemison, Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Scott of M. and Storrs.

The question recurred on laying the amendment on the table, which was carried. Yeas 58—Nays 29:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Baugh, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Davis of F. Dufreese, Edwards, Gamble, Gewin, Griffin, Hall, Hays, Hill, Hobdy, Inge, Jackson, Jones of Benton, Jones of F. Jones of Lawrence, Kennedy, Lansdale, Lea, Maples, Martin, McClung, Meriwether

wether, Merrick, Miree, Mitchell of B. Morrison, Norman, Perrine, Perry, Phillips, Prince, Roby, Seawell, Smith of L. Smith of M. Speight, Steele, Stith, Treadwell, Walker, Watts of D. Webb, Williams of J. and Woodward.

**NAYS**—messrs. Allen of B. Barnett, Beck, Clarke, Cooper, Davis of L. Fletcher, Grady, Harris, Howard, Jemison, Jones of Blount, Jones of C. Jones of Limestone, Judge, Kidd, Kittrell, Mason, Mitchell of T. Morrisett, Mudd, Patton, Rose, Scott of M. Storrs, Winston and Young.

Mr. Lea moved to suspend the rule, and give the bill its third reading forthwith; which was carried. Yeas 79—Nays 11:

**YEAS**—messrs. Speaker, Aldridge, Alexander, Allen of Benton, Allen of R. Baker, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clarke, Clay, Cobb, Cooper, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Jones of Limestone, Kennedy, Kittrell, Lea, Maples, Martin, McClung, Meriwether, Merrick, Miree, Mitchell of B. Mitchell of T. Morrison, Mudd, Norman, Patton, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Speight, Steele, Stith, Storrs, Treadwell, Walker, Watts of D. Webb, Williams of J. Winston, Woodward and Young.

**NAYS**—messrs. Barnett, Howard, Judge, Kidd, Kimbell, King, Lansdale, Mason, Morrisett, Scott of M. and Watts of B.

The bill passed.

Mr. Cook, from the committee on enrolled bills, reported as correctly enrolled:

An act to amend an act to incorporate Uniontown, in the county of Perry.

The House took up the joint resolutions proposing an amendment to the Constitution, so as to have biennial sessions of the Legislature, the question pending on ordering the amendment of the Senate to a third reading.

The House adjourned.

#### AFTERNOON SESSION, January 23d, 1845.

The House met pursuant to adjournment.

And resumed the consideration of the joint resolutions in regard to biennial sessions.

Mr. Jemison moved to postpone the further consideration of the resolutions until to-morrow, ten o'clock; which was lost. Yeas 66—Nays 15:

**YEAS**—messrs. Speaker, Allen of B. Allen of R. Barnett, Beck, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Davis of L. Dunn, Edwards, Gamble, Garrett, Grady, Griffin, Hall,

Hays, Hill, Hobdy, Howard, Jackson, Jones of Benton, Jones of ( Jones of F. Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Lee, Maples, Mason, Merrick, Miree, Morrisett, Patton, Perrine, Phillip, Portis, Prince, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Speight, Steele, Storrs, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Winston Woodward and Young.

**NAYS**—messrs. Aldridge, Alexander, Baker, Bell, Davis of F. Dufrees, Fletcher, Gewin, Harris, Jemison, Johnson, Jones of Blount, Jones of Lawrence, Jones of Limestone, Kennedy, Martin, McClung, Meriwether, Mitchell of T. Morrison, Mudd, Norman, Perry, Spencer and Stith.

The House took up the bill to regulate the rights and liabilities husband and wife, in regard to property.

Mr. Davis of L. moved to lay the bill on the table; which was lost. Yeas 40—Nays 40:

**YEAS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Bowdon, Davis of F. Davis of L. Dufrees, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Hays, Hill, Howard, Johnson, Jones of Ben. Jones of Con. Jones of Franklin, Jones of Limestone, Kennedy, Maples, McClung, Meriwether, Merrick, Mitchell of T. Morrison, Mudd, Phillips, Rose, Watts of B. Webb, Winston, Woodward and Young.

**NAYS**—messrs. Baugh, Beck, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Griffin, Harris, Hobdy, Jackson, Jones of Blount, Jones of Lawrence, Judge, Kidd, King, Kittrell, Lansdale, Martin, Mason, Norman, Patton, Perrine, Perry, Portis, Prince, Roby, Scott of J. Smith of L. Smith of M. Speight, Spencer, Steele, Stith, Storrs, Treadwell, Watts of D. and Williams of J.

The House refused to order the bill to be engrossed. Yeas 37—Nays 46:

**YEAS**—messrs. Baker, Baugh, Beck, Brandon, Chandler, Clemens, Cobb, Cook, Cooper, Griffin, Hall, Harris, Hobdy, Jackson, Jones of Lawrence, Judge, Kidd, Kittrell, Lansdale, Mason, Norman, Patton, Perrine, Perry, Prince, Roby, Scott of J. Scott of M. Smith of L. Smith of M. Speight, Spencer, Steele, Stith, Treadwell, Watts of D. and Williams of J.

**NAYS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Bowdon, Clay, Davis of F. Davis of L. Dufrees, Dunn, Edwards, Fletcher, Gamble, Garrett, Gewin, Grady, Hays, Hill, Howard, Johnson, Jones of Benton, Jones of Blount, Jones of G. Jones of Franklin, Jones of Limestone, Kennedy, Kimbell, King, Maples, Martin, McClung, Meriwether, Merrick, Mitchell of T. Morrisett, Morrison, Mudd, Phillips, Rose, Storrs, Watts of B. Webb, Winston and Woodward.

Mr. Kimbell, from the committee on enrolled bills, reported as correctly enrolled:

An act for the relief of Jack Shackelford:

An act for the relief of Sarah Greer, of Wilcox county:

An act to amend an act, incorporating the town of Eutaw, in the county of Greene.

Mr. Cook, from the committee on enrolled bills, reported as correctly enrolled:

An act to alter the time of holding the County Court of Macon county:

Also, an act for the relief of Aquilla Jones, of the county of Blount.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate has amended the amendment made by the House of Representatives to the bill, to apportion the Representatives to the several counties in this State, and to divide the State into Senatorial Districts, amended as therein shown, in which they respectfully ask the concurrence of the House of Representatives.

The House resumed the consideration of the bill to amend an act, to raise a revenue for the support of the State government, and to maintain the faith and credit of the State of Alabama.

Mr. Smith of L. moved the previous question; which was not sustained. Yeas 16—Nays 61:

YEAS—messrs. Aldridge, Beck, Davis of F. Griffin, Hobdy, Howard, Jones of C. Judge, Merrick, Morrisett, Rose, Smith of J. Speight, Steele, Spencer and Treadwell

NAYS—messrs. Speaker, Allen of B. Allen of R. Barnett, Baugh, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Davis of L. Dufreese, Dunn, Edwards, Fletcher, Garrett, Gwin, Grady, Hall, Harris, Hays, Hill, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Lawrence, Jones of Limestone, Kennedy, Kimbell, King, Kittrell, Martin, Mason, McClung, Meriwether, Mitchell of T. Mudd, Norman, Perrine, Perry, Phillips, Prince, Roby, Scott of J. Scott of M. Smith of M. Suth. Storrs, Watts of B. Watts of D. Webb, Winston, Woodward and Young.

The amendment offered by Mr. Jemison to the amendment of Mr. Walker, was adopted. Yeas 62—Nays 17:

YEAS—messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Barnett, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cooper, Davis of F. Davis of L. Fletcher, Gamble, Garrett, Gwin, Grady, Griffin, Harris, Hays, Hobdy, Jackson, Jemison, Johnson, Jones of Blount, Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, Kittrell, Lansdale, Lea, Maples, McClung, Miree, Mitchell of T. Morrisett, Morrison, Mudd, Norman, Patton, Perrine, Perry, Portis, Prince, Scott of J. Smith of M. Steele, Storrs, Treadwell, Watts of B. Watts of D. Webb, Williams of J. Winston and Young.

NAYS—messrs. Baugh, Cook, Hall, Hill, Howard, Jones of

Benton, Jones of Conecuh, King, Mason, Meriwether, Merrick, Scott of M. Smith of L. Speight, Spencer, Stith and Woodward.  
The House adjourned.

### NIGHT SESSION, January 23, 1845.

House met pursuant to adjournment.

Mr. Young introduced a bill to alter and amend the boundary line between the counties of Benton and Cherokee; which was read the first and second times and referred to a select committee, composed of the delegation from Benton and Cherokee.

Mr. Bowdon introduced a bill to change the time of holding the Chancery Courts, in the counties of St. Clair and Randolph; which was read the first, second and third times and passed.

Mr. Woodward introduced a bill to extend the time of holding the Chancery Court of Sumter County; which was read the first and second times:

Mr. Phillips moved to amend as follows:

"That the Chancellor be authorized to hold two terms a year of the Chancery Court in the city of Mobile, and he shall have the power each year to determine the time of holding the same, which shall be duly advertised, and the terms shall each continue two weeks, if the business require it, and longer if the other duties of the Chancellor permit;" which was carried.

The bill was read the third time and passed.

Mr. Edwards moved to take from the table the bill to reduce the *per diem* pay of members; which was lost.

Mr. Davis of L. moved to take up the bill to reduce the fees of the Clerk of the Supreme Court; which was lost.

Mr. Barnett moved to take up the bill for the relief of Arthur Johns; which was carried. Yeas 30—Nays 28:

YEA—messrs. Allen of B. Allen of R. Baker, Barnett, Bell, Bowdon, Cobb, Cook, Cooper, Davis of F. Davis of L. Gamble, Grady, Hall, Hays, Jackson, Jones of Benton, Jones of Lawrence, Maples, Mason, Merrick, Perry, Portis, Prince, Roby, Speight, Sum. Treadwell, Winston and Young.

NAY—messrs. Speaker, Aldridge, Alexander, Chandler, Harris, Hill, Howard, Jamison, Jones of C. Jones of F. Jones of Limestone, Kennedy, King, Lausdale, Lea, Martin, McClung, Miree, Morrisett, Perrine, Phillips, Rose, Scott of S. Snowden, Storrs, Watts of B. Watts of D. and Woodward.

The engrossed bill for the relief of Wm. Erwin, of Perry county, was read the third time and passed.

The bill from the Senate to amend the several laws now in force, incorporating the town of Demopolis, in Marengo county:

The bill from the Senate for the better organization of so much of the fourth division, Alabama militia, as lies within the city of Mobile:

The bill from the Senate for the relief of Elizabeth Oats, of Henry county:

The bill from the Senate authorizing the Judge of the County Court of Jackson county and Commissioners of roads and revenue, to perform certain duties therein named:

The bill from the Senate to incorporate the Girard Rail Road Company:

The bill from the Senate for the relief of James V. Robinson:

The bill from the Senate for the relief of James Ward, of Henry county:

The bill from the Senate for the relief of Mrs. Mahulda Childress:

The bill from the Senate for the relief of Martha Richardson, of Cherokee county:

Were severally read the third time and passed.

The bill from the Senate to amend an act, to incorporate Lafayette, in Chambers county, was read the third time:

Mr. Hill moved to amend; which was adopted, and the bill passed.

The bill from the Senate for the relief of Caroline M. Youngblood:

The bill from the Senate to compensate Logan D. Brandon, for certain services therein named:

The bill from the Senate for the relief of Jacob S. Marsh:

The bill from the Senate to change the name of a certain person therein named, and for other purposes:

The bill from the Senate to appoint Will E. Bird escheator, for the county of Dallas:

The bill from the Senate to explain an act, for the relief of Thomas J. Zimmerman and William O. Pullen, passed, fourteenth of February, eighteen hundred and forty-three:

The bill from the Senate to change the time of holding the Circuit Court of Limestone county:

The bill from the Senate to change the name of Benjamin D. Whorton, of Madison county:

The bill from the Senate for the relief of Elizabeth Waldron, of Wilcox county:

The bill from the Senate to incorporate the Florence Fire Engine Company:

The bill from the Senate for the support of paupers in the county of Butler, passed, January sixth, eighteen hundred and forty-four:

The bill from the Senate for the relief of Eliza Ann Rossiter, of Wilcox county:

The bill from the Senate to compensate D. Lyman Beecher, for certain services therein named:

The bill from the Senate to incorporate the Coosa Manufacturing Company:

The bill from the Senate for the relief of Mary Ronan:

The bill from the Senate for the relief of Thomas G. A. Cox:

The bill from the Senate to authorize a sale of a portion of Lafayette street, in the town of Lafayette, in Chambers county:

The bill from the Senate for the relief of Louisa Sharpe, of Macon county:

The bill from the Senate to incorporate the town of Yorkville, in the county of Pickens:

The bill from the Senate for the relief Mary J. Kellum:

The bill from the Senate for the relief of Elizabeth D. Anderson, of Franklin county:

The bill from the Senate to divide the county of Walker into two regiments:

The engrossed bill to abolish the office of County Treasurer, in the county of Benton, and for other purposes:

The engrossed bill for the relief of Elizabeth Lee:

The engrossed bill to incorporate the Dallas Mounted Guards, in the county of Dallas:

The engrossed bill requiring a special Commissioners' Court, in Cherokee county:

The engrossed bill for the relief of Elizabeth H. Thorpe:

The bill from the Senate for the relief of John Kirksey, and Robert B. W. Kirksey:

The bill from the Senate to lay out and open a certain road in Monroe county:

The engrossed bill to provide for a special tax, in the county of Tuscaloosa:

Were severally read the third time and passed:

Mr. Bell, from the committee on enrolled bills, reported as correctly enrolled:

An act to incorporate the Trustees of the Seamen's Home:

The bill to be entitled an act to amend an act, in relation to sixteenth sections, as to the county of Tuscaloosa, was read the second and third times and passed.

The bill to renew a turnpike road therein named, was read the second time and ordered to be engrossed for a third reading.

The bill to attach a part of Blount to Jefferson county, was read the second time and laid on the table.

The bill to prohibit the sale of intoxicating liquors in Glennville, in Barbour county, was read the second time and ordered to be engrossed for a third reading.

The bill to authorize Gideon B. Frierson, to erect a toll bridge across Big Sandy Creek, in Tuscaloosa county, was read the third time and referred to the delegation from Tuscaloosa county.

The bill for the relief of the Judge of Bibb County Court, was read the second time and ordered to be engrossed for a third reading.



The bill for the relief of Martha Richardson, of Greene county, was read the second time and laid on the table.

The bill to incorporate the Montgomery Library:

The bill to emancipate and set free negro slave Caroline:

The bill for the relief of the widow and heirs of William Pride, deceased:

The bill to compensate James Griffin, for certain services:

The bill to alter the patrol law in the county of Tallapoosa:

The bill to rescind a certain contract therein named:

The bill to regulate the Orphan's Court of Dale and Coffee counties:

The bill to incorporate the town of Yorkville:

The bill authorizing the rescission of a contract of sale of a part of certain sixteenth section, in Russell county:

The bill to establish a board of physicians, in the town of Talladega:

The bill to authorize the Intendant and Council of the town of Livingston, in Sumter county, to sell useless streets:

The bill to regulate the pay of jurors in the county of Sumter:

Were severally read the second time, and ordered to be engrossed for a third reading.

Mr. Winston moved to suspend the rule requiring the House to adjourn at nine o'clock, p. m.; which was carried. Yeas 58—Nays 3:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of R. Allen of R. Baker, Barnett, Bell, Bowdon, Brandon, Chandler, Cobb, Cook, Cooper, Davis of F. Dufreese, Gamble, Grady, Griffin, Hall, Harris, Hays, Hill, Howard, Jackson, Jemison, Jones of Benton, Jones of C. Jones of F. Jones of Lawrence, Kennedy, Kimbell, King, Lansdale, Maples, Martin, Mason, Merrick, Miree, Morrisett, Perrine, Perry, Phillips, Portis, Prince, Rose, Scott of M. Seawell, Snowden, Speight, Smith, Treadwell, Watts of B. Watts of D. Williams of J. Winston, Woodward and Young.

NAYS—messrs. Beck, Jones of Limestone and McClung.

The bill to confer certain privileges upon an association of persons therein named, as an inducement to navigate the Coosa river, with steam power, was read the second time.

Mr. Allen of R. moved to postpone the bill indefinitely, which was carried.

The bill declaring Conecuh river a public highway, was read the second time.

Mr. Lansdale moved to strike out "South line." and insert "Fish Trap Bridge;" which was carried, and the bill ordered to be engrossed for a third reading.

The bill for the relief of Wm. Adkins, was read the second time and laid on the table.

The bill for the relief of Elizabeth Felder, of Macon county:

The bill to perfect titles to a certain tract of land, in the county of Marengo:

The bill to amend an act to incorporate the town of Warsaw, in the county of Sumter:

The bill for the relief of Drury S. Allen, of Randolph county:

The bill to emancipate a certain slave therein named:

Were severally read the second time and ordered to be engrossed for a third reading.

The bill to change the boundary line between the counties of Autauga and Dallas, was read the second time and referred to the committee on county boundaries.

The bill in relation to the rescission of a certain contract of purchase of a part of a sixteenth section in Benton county:

The bill for the relief of Rachael Musgrove, of Walker county:

The bill to incorporate the Selma Camp Ground:

Were severally read the second time and ordered to be engrossed for a third reading.

The bill to reduce the toll of a certain turnpike road therein named, was read the second time.

Mr. Cobb moved to postpone the bill indefinitely.

Mr. Jones of Lawrence moved to lay the bill on the table; which was carried.

The bill for the relief of John Prewitt:

The bill to alter and amend the several acts incorporating the town of Greensboro,' in the county of Greene:

Were severally read the second time and ordered to be engrossed for a third reading.

The bill from the Senate to limit the time of holding the County Court of Tuscaloosa county, was read the second time and ordered to be engrossed for a third reading.

The bill from the Senate to attach a part of the county of Monroe to the county of Clarke, was read the second time.

Mr. Howard moved to amend by way of substitute, which was adopted, and the bill read the third time and passed.

The bill from the Senate to rescind a certain contract therein named, was read the first time and ordered to a second reading.

The bill from the Senate to authorize the acting officers of the Selma Rangers, to execute a bond for a portion of the arms of the State:

The bill from the Senate to authorize the Commissioners of the town of Dadeville, to dispose of the unsold lots in said town:

Were severally read the second time and ordered to a third reading.

The bill from the Senate to compensate Levi Robbins, was read the first time and ordered to a second reading.

The bill from the Senate to assess and collect a county tax in the county of Russell:

The bill from the Senate to authorize Eli E. Gaither, to erect a mill on the west bank of the Coosa river:

Were severally read the second time and ordered to a third reading.

A bill to be entitled an act for the relief of Tales Jurors of Pickens county:

A bill to incorporate the town of Union, in the county of Greene:

A bill to prevent the poisoning of fish in the water courses running through the counties of Barbour and Pike, and for other purposes:

A bill to authorize the Sheriff of Marion county to collect a tax:

A bill to authorize the Judge of the County Court and Commissioners of roads and revenue of Randolph county, to levy and collect a special tax, and for other purposes:

The Senate has also passed the following bills, which originated in the House of Representatives, amended as therein shown:

A bill to change the mode of assessing taxes in certain counties therein named:

A bill to be entitled an act for the relief of Anne D. Kirby, of Lowndes county:

The Senate refuses to pass a bill from the House of Representatives, entitled,

An act to regulate the issuing of executions by Justices of the Peace, in the county of Benton.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles, to wit:

An act to loan the two per cent. fund to the Montgomery, West Point, Tennessee and Coosa rail road companies:

An act to incorporate the Greenville Academy, in the county of Butler:

An act to locate permanently the county site for Coffee county, and other purposes:

An act to authorize Wm. H. Tarrance, to establish a ferry across the Alabama river, and for other purposes:

An act to authorize Edmund Wiggins, to erect a toll bridge over Pea river, in Coffee county, at Geneva:

An act to incorporate the town of Carrollton, in the county of Pickens:

An act to incorporate the Bay Minette Manufacturing Company:

An act to authorize the erection of a toll bridge, or public ferry, across Will's Creek, and for other purposes:

An act to divorce certain persons therein named:

An act to compensate Benjamin Philpot, of Morgan county, for certain services:

An act to incorporate the Franklin Academy, in the county of Russell:

An act explanatory of an act, approved February thirteenth, eighteen hundred and forty three, for the relief of Adaline R. Devereaux:

An act to amend an act, to incorporate the town of Union, in Perry county, approved twenty-third December, eighteen hundred and thirty six:

Preamble and joint resolutions in relation to the public lands:

Which originated in the House.

The House resumed the consideration of the bill, to apportion the Representatives among the several counties of this State and to divide the State into Senatorial districts.

The question pending on the amendment, made by the Senate to the House amendment to said bill.

Mr. Perry moved to amend the amendment of the Senate, by so altering it, as to make "Lawrence and Limestone," constitute one Senatorial district, and Morgan and Walker one.

Mr. Walker moved to lay the amendment on the table; which was carried.

The House concurred in the amendment made by the Senate to the amendment of the House, to the bill. Yeas 49—Nays 42:

YEAS—messrs. Speaker, Alexander, Barnett, Bell, Cook, Croom, Davis of F. Dufreese, Dunn, Edwards, Fletcher, Grady, Griffin, Harris, Hill, Hobdy, Howard, Johnson, Jones of C. Jones of Blount, Jones of F. Judge, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mason, Merrick, Miree, Mitchell of B. Morrisett, Morrison, Patton, Perrine, Prince, Rose, Scott of M. Smith of L. Snowden, Speight, Spencer, Storrs, Treadwell Walker, Watts of D. and Woodward—49.

NAYS—messrs. Aldridge, Allen of B. Allen of R. Baker, Baugh, Beck, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cooper, Davis of L. Garrett, Gewin, Hays, Hall, Jackson, Jemison, Jones of Benton, Jones of Law. Jones of Limestone, Kennedy, Martin, McClung, Meriwether, Mitchell of T. Mudd, Norman, Perry, Portis, Roby, Scott of J. Seawell, Steele, Stith, Watts of B. Webb, Williams of J. Winston and Young—42.

Mr. Lea moved the bill be sent forthwith to the Senate; which was carried Yeas 56—Nays 28:

YEAS—messrs. Speaker, Aldridge, Alexander, Barnett, Baugh, Beck, Bell, Cook, Croom, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Gamble, Grady, Griffin, Harris, Hill, Hobdy, Howard, Johnson, Jones of C. Jones of Franklin, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Mason, Merrick, Miree, Morrisett, Morrison, Mudd, Patton, Portis, Prince, Rose, Scott of J. Scott of M. Smith of L. Snowden, Spencer, Storrs, Treadwell, Walker, Watts of D. Webb, Williams of J. Winston and Woodward.

NAYS—messrs. Allen of B. Allen of R. Bowdon, Chandler, Clay, Clemens, Cobb, Cooper, Garrett, Gewin, Hall, Hays, Jackson, Jones of Benton, Jones of Blount, Jones of Lawrence, Jones of Limestone, Martin, McClung, Mitchell of T. Norman, Perry, Roby, Seawell, Steele, Stith, Watts of B. and Young.

Mr. Fletcher asked leave to change his vote, on concurring in the amendment of the Senate, which was granted. Yeas 71—Nays 8:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Croom, Davis of F. Dufreese, Edwards, Gam-

ble, Garrett, Gewin, Grady, Griffin, Hall, Harris, Hays, Hill, Hobdy, Howard, Jackson, Jemison, Johnson, Jones of Benton, Jones of C. Jones of F. Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Lea, Maples, Martin, Mason, Merrick, Miree, Mitchell of B. Morrisett, Norman, Perrine, Perry, Prince, Roby, Rose, Scott of J. Scott of M. Smith of L. Snowden, Spencer, Steele, Storrs, Treadwell, Walker, Watts of D. Webb Williams of J. Winston and Young.

NAYS—messrs Cooper, Jones of Lawrence, Jones of Limestone, McClung, Mitchell of T. Portis, Seawell and Stith.

Mr. Walker introduced a bill to change the time of holding the Chancery Court for the thirtieth District, Northern Division; which was read the first, second and third times and passed.

Mr. Bowdon introduced a bill to regulate the Chancery Court of Benton and Talladega counties; which was read the first, second and third times, and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

A bill to be entitled “an act to amend the laws heretofore enacted for the final settlement of the affairs of the Planters and Merchants Bank of Mobile;” which was presented to the Governor for his approval of this day:

A bill to be entitled “an act to incorporate the Trustees of the Bishop’s Fund, in the Diocese of Alabama:

An act to loan the two per cent. fund to the Montgomery, West Point and Tennessee and Coosa Rail Road Companies:

Also, joint memorial to the Congress of the United States on the subject of a National Foundry of the South.

A message from the Senate, by Mr. Marrast:

The Senate has passed a bill from the House of Representatives, entitled:

A bill to be entitled an act to settle the affairs of the State Bank and Branches of this State, amended as therein shewn, in which they ask the concurrence of the House of Representatives.

Mr. Clemens offered the following resolution:

*Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives, on Saturday next, at twelve o’clock, M. for the purpose of electing Trustees of the University of Alabama for the fifth, sixth and seventh Judicial Circuit; which was adopted.

And the House adjourned.

#### AFTERNOON SESSION, January 24, 1845.

The House met pursuant to adjournment.

The amendments of the Senate, to the bill to settle the affairs of the Bank of the State of Alabama, and its Branches, were concurred

Mr. Phillips moved to take up the bill, to amend an act, to raise a revenue for the support of the State Government; which was carried. Yeas 46—Nays 28:

YEAS—messrs. Aldridge, Alexander, Allen of B. Bell, Brandon, Chandler, Clay, Cobb, Cook, Cooper, Croom, Davis of L. Dufreese, Fletcher, Gewin, Hays, Jemison, Jones of F. Jones of Lawrence, Judge, Kennedy, Kidd, Kimbell, Kittrell, Lansdale, Maples, Martin, McClung, Meriwether, Mitchell of T. Morrisett, Norman, Perrine, Perry, Phillips, Prince, Scott of J. Stith, Walker, Watts of B. Watts of D. Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Allen of R. Barnett, Baugh, Bowdon, Clarke, Davis of F. Edwards, Grady, Hall, Harris, Hill, Howard, Jackson, Jones of C. King, Lea, Mason, Mitchell of B. Mudd, Patton, Portis, Rose, Scott of M. Smith of L. Snowden, Steele, Storrs, and Treadwell.

The House proceeded to the consideration of the bill, the question pending on the amendment of Mr. Phillips, to the amendment offered by Mr. Walker.

The amendment of Mr. Phillips, is in the words:

“That the taxes for the ensuing year shall be twenty five per cent. increase on the tax list for the year eighteen hundred and forty-four.

Mr. Walker moved to lay the amendment on the table; which was carried. Yeas 50—Nays 32:

YEAS—messrs. Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Bell, Bowdon, Brandon, Clarke, Cobb, Davis of F. Davis of L. Edwards, Fletcher, Garrett, Gewin, Grady, Hays, Hill, Hobdy, Howard, Jackson, Jones of Benton, Jones of C. Jones of Lawrence, Kennedy, Kidd, Kimbell, Lansdale, Lea, Maples, Mason, Meriwether, Mitchell of B. Morrison, Mudd, Perry, Roby, Rose, Scott of M. Smith of L. Snowden, Steele, Storrs, Treadwell, Walker, Williams of J. Woodward and Young.

NAYS—messrs. Beck, Chandler, Clay, Clemens, Cook, Cooper, Croom, Dunn, Hall, Harris, Jemison, Johnson, Jones of F. Judge, King, Kittrell, Martin, McClung, Mitchell of T. Morrison, Norman, Patton, Perrine, Phillips, Portis, Prince, Seawell, Stith, Watts of B. Watts of D. Webb and Winston.

Mr. Jemison moved to amend as follows:

*And be it further enacted*, That the Governor of the State inquire into the discrepancies in the number of slaves, and the number of white males, as shown by a comparison of the census returns with the tax returns of the past year, eighteen hundred and forty-four, and that he order suit on the bonds of any tax assessor or collector, who shall not, in his opinion, have faithfully and honestly discharged his duties. And if the Governor be authorized and required to inquire into the expediency of procuring from the several land offices, a list of all lands sold in the State, showing each tract, the original purchaser, and the date of sale, to be deposited in the office of the Secretary of State, from which gen-

list, he shall cause other similar lists to be furnished to the clerks of the County Courts throughout the State, showing the lands in their respective counties, copies of which shall by said clerks, be annually furnished to the assessors in their respective counties.

Sec. — *And be it further enacted*, That to the copies of the laws in relation to taxation, now required by law to be furnished to assessors and collectors, there shall be appended the tabular statement of the census of eighteen hundred and forty four, prepared and laid before the present General Assembly by the Secretary of State.

Mr. Walker moved to lay the amendment on the table; which was lost. Yeas 35—Nays 46:

YEAS—messrs. Aldridge, Allen of B. Allen of R. Barnett, Beck, Bowdon, Brandon, Davis of F. Edwards, Fletcher, Grady, Griffin, Hall, Hays, Hill, Howard, Jones of Benton, Jones of Blount, Jones of C. Jones of F. Kennedy, Kimbell, King, Maples, Mason, Mitchell of R. Morrisett, Morrison, Portis, Rose, Scott of J. Seawell, Snowden, Steele and Williams of J.

NAYS—messrs. Speaker, Alexander, Baker, Baugh, Chandler, Clarke, Clay, Clemens, Cobb, Cooper, Croom, Davis of L. Dufreese, Dunn, Gewin, Harris, Jemison, Johnson, Jones of Lawrence, Judge, Kittrell, Lansdale, Lea, Martin, McClung, Meriwether, Miree, Mitchell of T. Mudd, Norman, Patton, Perrine, Perry, Phillips, Prince, Roby, Scott of M. Smith of L. Stith, Storrs, Treadwell, Watts of B. Watts of D. Winston, Woodward, and Young

The amendment to the amendment was adopted.

Mr. Fletcher moved to amend as follows:

Sec. 1. *And be it further enacted*, That all the buildings and improvements on the lands of this State, shall not be subject to the provisions of this bill, which are not of a greater value than three hundred dollars; no law to the contrary notwithstanding.

Mr. Perrine moved to lay the amendment to the amendment on the table; which was lost. Yeas 41—Nays 45:

YEAS—messrs. Allen of B. Allen of R. Barnett, Baugh, Beck, Brandon, Chandler, Clarke, Cook, Cooper, Croom, Davis of F. Davis of L. Dunn, Grady, Hays, Hill, Hobdy, Howard, Jones of Franklin, Judge, Kennedy, Kidd, King, Kittrell, Mason, McClung, Mitchell of Tuscaloosa, Morrisett, Morrison, Norman, Patton, Perrine, Perry, Phillips, Prince, Roby, Seawell, Smith of L. Watts of B. and Watts of Dallas.

NAYS—messrs. Speaker, Aldridge, Alexander, Baker, Bell, Bowdon, Clay, Clemens, Cobb, Dufreese, Edwards, Fletcher, Garrett, Gewin, Griffin, Hall, Harris, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Lawrence, Kimbell, Lansdale, Lea, Maples, Martin, Meriwether, Miree, Mitchell of B. Mudd, Portis, Rose, Scott of J. Snowden, Steele, Stith, Storrs, Walker, Webb, Williams of J. Woodward and Young.

Leave being granted, Mr. Fletcher withdrew his amendment.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled:

Joint resolutions proposing amendments to the Constitution providing for biennial sessions of the Legislature, and for other purposes;

And an act entitled an act authorizing the Governor to appoint an agent to collect from the Federal Government the sums due this State, for advances on account of the Creek Indian hostilities.

Mr. Cook, from the committee on enrolled bills, reported as correctly enrolled:

An act entitled an act for the relief of tales jurors, of Pickens county;

An act entitled an act to authorize the Court of roads and revenue of Butler, Tallapoosa and Chambers counties, to levy a county tax;

An act entitled an act authorizing the rescission of a contract of a sale of a part of a certain sixteenth section in Russell county;

An act entitled an act to raise a revenue for the county of Marion;

An act entitled an act for the relief of Catharine Rodgers, of Marshall county.

Mr. Kimbell, from the committee on enrolled bills, reported as correctly enrolled:

An act entitled an act to consolidate the offices of Circuit and County clerk, in Covington county;

An act entitled an act for the relief of Robert Parker and Benjamin Harrison;

An act entitled an act to regulate the residence of the Judge of the County Court of Washington county;

An act entitled an act to authorize the Sheriff of Marion county, to collect tax.

A message from the Senate, by Mr. Marrison:

Mr. Speaker—The Senate has originated and passed a bill to be entitled an act for the relief of Augustus C. Hawkins, of Macon county, in which they ask the concurrence of the House of Representatives.

Then the House adjourned.

#### NIGHT SESSION, January 24, 1845.

House met pursuant to adjournment.

Mr. Davis of L. moved to suspend the rules and take up the general orders from the Senate; which was carried.

The bill from the Senate to amend the laws in relation to attachments, was read the third time and passed.

The bill from the Senate to regulate sheriff's and coroner's sales in certain counties, was read the third time:

Mr. Allen of R. moved to amend by adding Randolph and Benton which was carried.

The bill passed.

The bill from the Senate to assess and collect a county tax, for the county of Russell, was read the third time and passed.



The bill from the Senate to authorize Eli E. Gaither to erect a mill on the west bank of the Coosa river, was read the third time and passed.

Joint resolutions of the Senate and House of Representatives of the State of Alabama, were read the third time:

Mr. McClung moved to amend by way of engrossed rider, as follows:

Sec. — *And be it further enacted*, that Commissioners heretofore appointed, or who may be hereafter appointed for the purpose of valuing said lands, shall receive five dollars per diem while engaged in their duties out of the State; which was adopted.

The resolution passed.

The bill from the Senate making appropriations for the payment of certain claims against the State, was read the third time and passed.

The bill from the Senate for the relief of mortgagees, and for other purposes, was read the second and third times and passed.

The bill from the Senate in relation to road duties, was read the third time:

Mr. Jones of Franklin, moved to lay the bill on the table; which was carried. Yeas 35—Nays 24:

YEAS—messrs Speaker, Alexander, Allen of R. Baker, Barnett, Bell, Brandon, Chandler, Clay, Cooper, Dunn, Garrett, Grady, Hays, Hill, Hobdy, Howard, Jones of C. Kidd, Kimbell, Kittrell, Lansdale, Lea, Martin, Miree, Morrison, Mudd, Patton, Perrine, Pettis, Smith of L. Snowden, Steele, Treadwell and Woodward.

NAYS—Messrs. Aldridge, Allen of B. Baugh, Bowden, Clemens, Cobb, Davis of F. Davis of L. Jones of Benton, Jones of Lawrence, Kennedy, Maples, Mason, McClung, Meriwether, Perry, Reky, Scott of J. Scott of N. Watts of D. Webb, Williams of J. Winston and Young.

The bill from the Senate to authorize guardians of minors, idiots or lunatics, to receive or remove from this State any property to which said ward may be entitled, when both guardian and ward reside out of the State, or to remove the same from one county to another in this State, passed February second, eighteen hundred and thirty-nine, was read the second time and ordered to a third reading.

The bill from the Senate declaring Cedar Creek a public highway, was read the second time and ordered to a third reading.

Joint resolutions of the Senate and House of Representatives, was read the second time and laid on the table.

The bill from the Senate to prevent suits from being brought in the name of any other person or persons, without his, her or their consent, was read the second time and ordered to a third reading.

The bill from the Senate to regulate the effect of sales under the decrees of the court of equity in certain cases, was read the second time and ordered to a third reading.

A bill from the Senate to exempt executors from giving bond and security for the faithful performance of their duties, with certain provisions, was read the second time and laid on the table.

The bill from the Senate giving the Orphans' Court in this State jurisdiction, to compel the administrator or executor of a deceased ad-

ministrator, executor or guardian, to settle the accounts of his testator or intestate, was read the second time and ordered to a third reading.

The bill from the Senate to amend the law, authorizing the payment of rewards for the apprehension of fugitives from justice, was read the second and third times and passed.

The bill from the Senate for the relief of married women, was read the second time:

Mr. Edwards moved to lay the bill on the table; which was carried.

The bill from the Senate to reduce the fees of the Clerk of the Supreme Court, was read the second time and ordered to a third reading. Yeas 43—Nays 25:

YEAS—messrs. Aldridge, Alexander. Allen of B. Allen of R. Baker, Baugh, Bell, Brandon, Clay, Clemens, Cobb, Davis of F. Davis of L. Edwards, Garrett, Hays, Hill, Hobdy, Jackson, Jones of Ben. Jones of C. Jones of Lawrence, Kennedy, Maples, Martin, Meriwether, Miree, Patton, Perry, Portis. Roby, Rose, Scott of J. Smith of L. Snowden, Steele, Treadwell, Watts of B. Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs. Barnett, Chandler, Cook, Cooper, Dunn, Grady, Hall, Harris, Howard, Jemison, Judge, Kimbell, Lansdale, Lea, Mason, McClung, Morrisett, Morrison, Mudd, Perrine, Phillips, Prince, Scott of W. Storrs, and Walker.

The bill from the Senate requiring certain duties to be performed by the Secretary of State, was read the second time and ordered to a third reading.

The bill to confer power on the Clerks of the Circuit and County Courts to issue attachments, was read the second time and ordered to a third reading.

The bill from the Senate to regulate damages upon appeals and writs of error, was read the second time and lost—the House refusing to order the bill to a third reading.

Mr. Kimbell, from the committee on enrolled bills, reported as correctly enrolled:

An act to legalize certain sales therein named:

An act to cancel a certain contract therein named:

An act to prevent the poisoning the fish in the water courses running through Barbour and Pike:

An act to authorize the Judge of the County Court and Commissioners of roads and revenue of Randolph county, to levy a special tax.

And then the House adjourned.

JANUARY 25, 1845.

House met pursuant to adjournment.

Mr. Lansdale moved to take up the bill declaring Conecuh river a public highway; which was carried, and the bill passed.

Mr. Davis of L. offered the following resolution:

*Resolved*, That the committee on public printing be instructed to have printed, one hundred and thirty-three copies of the bill, to regulate the affairs of the State Bank and Branches for the use of the members.

Which was adopted.

The engrossed bill to rescind a certain contract therein named:

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles:

An act for the relief of tales jurors, in Pickens county:

An act for the relief of Catherine Rogers, of Marshall county:

An act to authorize the Court of Roads and Revenue of Butler, Tallapoosa and Chambers counties, to levy a county tax:

An act to authorize the rescission of a certain contract of the sale of a part of a certain sixteenth section, in Russell county:

An act to raise a revenue for the county of Marion:

An act to incorporate the Trustees of the Bishop's fund, in the Diocese of Alabama:

An act for the relief of Robert Parker, and Benjamin Harrison

An act to authorize the sheriff of Marion county to collect taxes:

An act to regulate the residence of the Judge of the County Court, of Washington county:

An act to consolidate the offices of Circuit and County Clerk, in the county of Covington:

An act authorizing the Governor to appoint an agent to collect from the Federal Government the sums due this State, for advances on account of Creek Indian hostilities:

Also Joint resolutions proposing amendments to the constitution, providing for biennial sessions of the Legislature, and for other purposes:

Joint memorial to the Congress of the United States on the subject of a National Foundry in the South:

Which originated in this House

The bill from the Senate, to authorize the Governor to settle with the President and Directors and Company of the Bank of Mobile, the interest due them from the State, was read the first time.

Mr. Lea, moved to lay bill on the table; which was lost. Yeas 34—Nays 37:

YEAS—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Bell, Clay, Cobb, Cook, Davis of F. Dufree-c, Edwards, Hays, Hill, Hobdy, Jones of Benton, Jones of Blount, Jones of C.

Kennedy, Lansdale, Lea, Mason, Meriwether, Miree, Mitchell of S. Morrisett, Norman, Portis, Rose, Smith of L. Snowden, Treadwell, and Williams of J.

**NAYS**—messrs Barnett, Baugh, Bowdon, Brandon, Chandler, Clemens, Cooper, Croon, Davis of L. Dunn, Gwyn, Grady, Hall, Harris, Howard, Jemison, Johnson, Jones of Law, Kidd, King, Kittell, Martin, McClung, Mitchell of T. Morrisett, Mudd, Phillips, Prince, Roby, Smith of M. Steele, Storrs, Walker, Watts of D. Webb, Winston and Woodward.

The House refused to order the bill to a second reading.

Mr Woodward, from the committee on county boundaries, to whom was referred an act to attach a part of Benton to Talladega county, reported the same back, and recommended its passage.

The bill was ordered to be engrossed.

Mr Woodward, from the same committee, to whom was referred the resolution instructing said committee to inquire into the expediency of reporting a bill to repeal an act passed on the twenty-seventh January, eighteen hundred and forty three, entitled an act, to repeal an act passed December twenty-three, eighteen hundred and thirty-six, attaching a portion of Cherokee to Benton county, reported that it was inexpedient to legislate on the subject.

The report was concurred in.

Mr. Clay's joint resolutions to Congress, were read, and concurred in.

Mr. Phillips, from the select committee, to whom was referred a petition of certain masters of Steamboats, praying for the repeal of the act establishing a board of Engineers, reported that from the want of evidence, as to any injurious effects of said law, they asked to be discharged from the further consideration of the subject.

The report was laid on the table.

The bill from the Senate, to exempt executors and administrators, from giving bond, in certain cases, was taken from the table.

Mr. Barnett moved to amend; which was adopted.

The bill passed.

The bill from the Senate, to regulate the compensation of the Secretary of State, for certain services, was read the third time.

Mr. Smith of L. moved to amend; which was adopted.

Mr. Davis of L. moved to lay the bill on the table; which was lost.

The bill passed.

The House took up the bill to regulate the management, and affairs of the Penitentiary.

Mr. Jones of Lawrence, moved to lay the bill on the table; which was lost.

The bill was read the first and second times.

Mr. Dufrese moved to strike out the fourteenth section; which was carried Yeas 56—Nays 12:

**YEAS**—messrs. Aldridge, Alexander, Allen of B. Barnett, Baugh,

Bell, Brandon. Chandler, Clemens. Cobb, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Garrett, Hall, Hays, Hill, Hobdy, Howard, Inge. Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Law. Kidd, Kimbell, King, Lansdale, Martin, Mason, Mitchell of T. Morrison, Mudd, Norman, Patton, Perry, Prince, Roby, Scott of J. Smith of L. Snowden, Steele, Treadwell, Walker, Watts of D. Winston, Woodward and Young.

NAYS—messrs. Allen of R. Beck, Harris, Lea, McClung, Perrine, Phillips, Portis, Scott of M. Seawell, Webb and Williams of J.

The bill passed.

The bill to prevent the cutting or carrying off steamboat or pine wood of any kind, was read the second time, and laid on the table.

The amendment of the Senate to the bill to extend the time of holding the Chancery Courts for Sumter and Mobile counties, was concurred in.

The bill to rescind a certain contract therein named, was read the second and third times, and passed.

Mr. Davis of L. moved to take up the bill to reduce the fees of the Clerk of the Supreme Court, which was carried. Yeas 47—Nays 43:

YEAS—messrs Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Brandon, Clay, Clemens, Cobb, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Garrett, Gwin, Hays, Hill, Hobdy, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of Lawrence, Jones of Limestone, Kennedy, Lansdale, Martin, Meriwether, Miree, Morrison, Norman, Perry, Roby, Rose, Scott of J. Smith of L. Snowden, Steele, Treadwell, Webb, Williams of J. Winston, Woodward and Young.

NAYS—messrs Barnett, Bell, Chandler, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Howard, Jemison, Kidd, Kimbell, King, Kittrell, Lea, Mason, McClung, Mitchell of T. Morrison, Mudd, Perrine, Phillips, Scott of M. Seawell, Stith, Storrs, Walker, Watts of B. Watts of D. and Williams of M.

The bill was read the third time.

Mr. Phillips moved to amend as follows:

*And be it further enacted, That the fees of the clerks of the Circuit Courts, shall be reduced twenty-five per cent.*

Mr. Davis of L. moved to lay the amendment on the table: which was carried. Yeas 57—Nays 27:

YEAS—messrs Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Brandon, Cobb, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Garrett, Hall, Harris, Hays, Hill, Hobdy, Inge, Jackson, Jones of Benton, Jones of Blount, Jones of C. Jones of Limestone, Kennedy, Kidd, Lansdale, Lea, Martin, McClung, Meriwether, Miree, Mitchell of B. Morrison, Mudd, Norman, Perry, Portis, Prince, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Steele, Stith, Treadwell, Webb, Winston, Woodward and Young.

**NAYS**—messrs. Barnett, Chandler, Clay, Cook, Cooper, Croom, Dunn, Gewin, Grady, Howard, Jamison, Jones of Lawrence, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Perrine, Phillips, Scott of M. Storrs, Walker, Watts of B. Watts of D. Williams of J. and Williams of M.

Mr. Jamison moved to amend as follows:

*Be it further enacted*, That the fees of the State Printer, shall be reduced twenty-five per cent.

Mr. Smith of L. moved the previous question; which was sustained. Yeas 46—Nays 42:

**YEAS**—Messrs. Speaker, Alexander, Allen of B. Allen of R. Baugh, Bell, Brandon, Clemens, Davis of F. Davis of L. Edwards, Fletcher, Garrett, Gewin, Hays, Hobdy, Jackson, Jones of Benton, Jones of C. Jones of Lawrence, Jones of Limestone, Kennedy, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Miree, Mitchell of B. Morrison, Norman, Perry, Portis, Roby, Smith of L. Smith of M. Snowden, Steele, Stith, Treadwell, Webb, Williams of J. Winston, Woodward and Young.

**NAYS**—messrs. Aldridge, Baker, Barnett, Beck, Chandler, Clarke, Clay, Cobb, Cook, Cooper, Croom, Dufreese, Dunn, Grady, Hall, Harris, Hill, Howard, Jamison, Johnson, Jones of Blount, Kidd, Kimbell, King, Kittrell, Mason, Mitchell of T. Morrisett, Mudd, Patton, Perrine, Phillips, Prince, Rose, Scott of J. Scott of M. Seawell, Storrs, Walker, Watts of B. Watts of D. and Williams of M.

The bill passed. Yeas 51—Nays 34:

**YEAS**—messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baugh, Beck, Bell, Brandon, Clay, Clemens, Cobb, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Garrett, Gewin, Hays, Hill, Hobdy, Jackson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Lawrence, Jones of Limestone, Kennedy, Lansdale, Maples, Martin, Meriwether, Miree, Mitchell of B. Morrison, Norman, Perry, Portis, Roby, Rose, Scott of J. Smith of L. Snowden, Steele, Treadwell, Webb, Williams of J. Winston, Woodward and Young.

**NAYS**—messrs. Barnett, Chandler, Clarke, Cook, Cooper, Croom, Dunn, Grady, Hall, Harris, Howard, Jamison, Johnson, Kimbell, King, Kittrell, Lea, Mason, McClung, Mitchell of T. Morrisett, Mudd, Patton, Perrine, Phillips, Prince, Scott of M. Seawell, Stith, Storrs, Walker, Watts of B. Watts of D. and Williams of M.

A message from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate concurred in the resolution from the House of Representatives, proposing to go into the election of the President and Directors of the Bank of the State of Alabama and its several Branches; also three Trustees of the University of Alabama, on this day, at twelve o'clock, M.

Mr. Bell, from the committee on enrolled bills, reported as correctly enrolled:

An act to incorporate the Town of Union, in the county of Greene:

An act to incorporate the Girard Rail Road Company.

A message from the Governor, by Mr. Garrett:

Mr. Speaker—His Excellency, the Governor, this day approved a bill to be entitled:

An act to settle the affairs of the State Bank of this State and Branches, which originated in this House.

On motion of Mr. Davis of L.

*Resolved*, That the Senate be now invited into the hall of the House for the purpose of electing a President and Directors for the State Bank, a President and Directors for each of the Branch Banks, and three Trustees of the University.

The Senate forthwith repaired to the Hall of the House, and the two Houses proceeded first to the election of a President of the Branch Bank at Decatur.

*George W. Carroll, James M. Coman and Thomas Simpson*, being in nomination.

Those who voted for *Mr. Carroll*, are—messrs. President, Arrington, Ashe, Bishop, Creagh, Dargan, Dent, Fleming, Gilchrist, Griffin, Harris, Hudson, Marchbanks, McClanahan, Norris, Reese, Spruill and Wilson of the Senate; and messrs. Speaker, Bell, Bowdon, Brandon, Clay, Cobb, Cooper, Croom, Fletcher, Grady, Hays, Inge, Jemison, Jones of Lawrence, Judge, Kittrell, Kidd, Miree, Mitchell of B. Mitchell of T. Norman, Patton, Perrine, Phillips, Prince, Scott of J. Seawell, Stith, Williams of J. Williams of M. and Woodward of the House.

Those who voted for *Mr. Coman*, are—messrs. Dougherty, Hardaway, Walker of B. and Watrous of the Senate; and messrs. Aldridge, Allen of B. Allen of R. Baker, Barnett, Beck, Chandler, Cook, Davis of F. Davis of L. Dufreese, Garrett, Gewin, Harris, Hobdy, Howard, Jackson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Limestone, Kennedy, Kimbell, King, Lansdale, Lea, Martin, Mason, McClung, Meriwether, Morrisett, Mudd, Perry, Portis, Roby, Rose, Scott of Macon, Snowden, Steele, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb and Young of the House.

Those who voted for *Mr. Simpson*, are—messrs. Posey and Walthall of the Senate; and messrs. Alexander, Baugh, Clarke, Dunn, Edwards, Hall, Hill, Johnson, Morrison, Smith of L. and Smith of Marengo of the House.

Neither of the candidates having received a majority of the whole number of votes given, the two Houses proceeded to vote a second time. The name of *Mr. Simpson* being withdrawn.

Those who voted for *Mr. Carroll*, are—messrs. President, Arrington, Ashe, Bishop, Creagh, Dargan, Dent, Fleming, Gilchrist, Griffin, Harris, Hudson, Marchbanks, McClanahan, Norris, Posey, Reese, Spruill, Walker of L. Wilson and Winston of the Senate; and messrs. Speaker, Alexander, Baugh, Bell, Bowdon, Brandon, Clay, Clemens, Cobb, Cooper, Croom, Dunn, Grady, Hall, Inge, Jemison, Jones of Lawrence, Judge, Kidd, Kimbell, Kittrell, Miree, Mitchell of B. Mitchell of T. Norman, Patton, Perrine, Phillips, Prince, Scott of J.

Seawell, Smith of L. Smith of Marengo, Stith, Williams of J. Williams of M. and Woodward of the House.—58.

Those who voted for *Mr. Coman*, are—messrs. Dougherty, Hardaway, Walker of B. Watrous and Walthall of the Senate; and messrs. Aldridge, Allen of B. Allen of R. Baker, Barnett, Beck, Chandler, Clarke, Cook, Davis of F. Davis of L. Dutreese, Edwards, Fletcher, Garrett, Gewin, Harris, Hays, Hill, Hobdy, Howard, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of Con. Jones of Limestone, Kennedy, King, Linsdale, Lea, Maples, Martin, Mison, McClung, Meriwether, Morrisett, Morrison, Mudd, Perry, Portis, Roby, Rose, Scott of M. Snowden, Steele, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb and Young of the House.—58.

Neither of the candidates having received a majority of the whole number of votes given—the two houses proceeded to vote the third time.

Those who voted for *Mr. Carroll*, are—messrs. President, Arrington, Ashe, Bishop, Creagh, Dargen, Dent, Fleming, Gilchrist, Griffin, Harris, Hudson, Marchbanks, McClanahan, Norris, Posey, Reese, Spruill, Walker of L. Ward, Winston and Wilson of the Senate; and messrs. Speaker, Alexander, Baugh, Bell, Bowdon, Brandon, Clay, Clemens, Cobb, Cooper, Dunn, Grady, Hall, Inge, Jones of Lawrence, Judge, Kidd, Kittrell, Miree, Mitchell of B. Mitchell of T. Norman, Patton, Perrine, Prince, Scott of J. Seawell, Smith of L. Stith, Watts of Dallas, Williams of J. Williams of M. Winston and Woodward of the House.—56.

Those who voted for *Mr. Coman*, are—messrs. Dougherty, Hardaway, Walker of B. Watrous and Walthall of the Senate; and messrs. Aldridge, Allen of B. Allen of R. Baker, Barnett, Beck, Chandler, Clarke, Cook, Croom, Davis of F. Davis of L. Dutreese, Edwards, Fletcher, Garrett, Gewin, Harris, Hill, Hobdy, Howard, Jackson, Johnson, Jones of Benton, Jones of Blount, Jones of Con. Jones of Limestone, Kennedy, Kimbell, King, Linsdale, Lea, Maples, Martin, Mison, McClung, Meriwether, Morrisett, Morrison, Mudd, Perry, Phillips, Portis, Roby, Rose, Scott of Macon, Smith of M. Snowden, Steele, Storrs, Treadwell, Walker, Watts of B. Webb and Young of the House.—61.

*Mr. Coman*, having received a majority of all the votes given:

Mr. Speaker declared him duly and constitutionally elected President of the Branch Bank at Decatur, for the term prescribed by law.

The two Houses next proceeded to the election of two Directors for the Branch Bank at Decatur.

Messrs. Jonathan Burleson, James C. Milone, Samuel W. Shackelford, Baylet E. Bourland and Paul J. Watkins, being in nomination.

Those who voted for *Mr. Burleson*, are—messrs. President, Arrington, Ashe, Bishop, Creagh, Dargen, Dent, Dougherty, Fleming, Gilchrist, Griffin, Hardaway, Harris, Hudson, Marchbanks, McClanahan, Norris, Posey, Reese, Smith, Spruill, Walker of B. Walker of L. Wat-



rons, *Walthall* and *Wilson* of the Senate; and messrs. *Speaker*, *Aldridge*, *Allen* of *B. Allen* of *R. Baker*, *Barnett*, *Baugh*, *Beck*, *Bell*, *Bowdon*, *Brandon*, *Chandler*, *Clarke*, *Clay*, *Clemens*, *Cook*, *Cooper*, *Croom*, *Davis* of *F. Davis* of *L. Dufreese*, *Dunn*, *Edwards*, *Fletcher*, *Garrett*, *Gewin*, *Grady*, *Harris*, *Hays*, *Hill*, *Hobdy*, *Jackson*, *Johnson*, *Jones* of *Benton*, *Jones* of *Blount*, *Jones* of *C. Jones* of *Lawrence*, *Judge*, *Kennedy*, *Kimbel*, *King*, *Kittrell*, *Lansdale*, *Lea*, *Maples*, *Martin*, *Mason*, *McClung*, *McIntewether*, *Mree*, *Mitchell* of *B. Mitchell* of *T. Morrisett*, *Morrison*, *Mudd*, *Putton*, *Perrine*, *Perry*, *Phillips*, *Portis*, *Prince*, *Roby*, *Rose*, *Scott* of *J. Scott* of *M. Seawell*, *Smith* of *M. Snowden*, *Steele*, *Sithi*, *Treadwell*, *Walker*, *Watts* of *B. Webb*, *Williams* of *J. Williams* of *M. Woodward* and *Young* of the House.

Those who voted for *Mr. Bourland*, are—messrs. *Posey* of the Senate; and messrs. *Alexander*, *Brugh*, *Hall*, *Hill*, *Inge*, *Norman*, *Smith* of *L. and Winston*, of the House.

Those who voted for *Mr. Malone*, are—messrs. *President*, *Ashe*, *Dent*, *Fleming*, *Griffin*, *Hardaway*, *Hudson*, *Marchbanks*, *McClanahan*, *Smith*, *Wilson* and *Winston* of the Senate; and messrs. *Allen* of *R. Brandon*, *Cobb*, *Cooper*, *Davis* of *L. Dunn*, *Jemison*, *Jones* of *Lawrence*, *Jones* of *Limestone*, *McClung*, *Mitchell* of *T. Perry*, *Smith* of *L. and Watts* of *D. of the House*.

Those who voted for *Mr. Shackelford*, are—messrs. *Arrington*, *Bishop*, *Creagh*, *Dargan*, *Dougherty*, *Gilchrist*, *Harris*, *Norris*, *Reese*, *Spruill*, *Walker* of *B. Walker* of *L. Watrous* and *Walthall* of the Senate; and messrs. *Speaker*, *Aldridge*, *Alexander*, *Allen* of *B. Baker*, *Barnett*, *Beck*, *Ben*, *Bowdon*, *Chandler*, *Clarke*, *Clemens*, *Cobb*, *Cook*, *Croom*, *Davis* of *F. Dufreese*, *Edwards*, *Fletcher*, *Garrett*, *Gewin*, *Grady*, *Hall*, *Harris*, *Hays*, *Hobdy*, *Howard*, *Inge*, *Jackson*, *Jemison*, *Johnson*, *Jones* of *Benton*, *Jones* of *Blount*, *Jones* of *Conecuh*, *Jones* of *Lawrence*, *Judge*, *Kennedy*, *Kimbell*, *King*, *Kittrell*, *Lansdale*, *Lea*, *Maples*, *Martin*, *Mason*, *McIntewether*, *Mree*, *Mitchell* of *B. Morrisett*, *Morrison*, *Mudd*, *Norman*, *Phillips*, *Portis*, *Prince*, *Roby*, *Rose*, *Scott* of *J. Scott* of *M. Seawell*, *Smith* of *M. Snowden*, *Steele*, *Sith*, *Treadwell*, *Walker*, *Watts* of *B. Watts* of *D. Webb*, *Williams* of *J. Williams* of *M. Winston*, *Woodward* and *Young* of the House.

Those who voted for *Mr. Watkins*, are—messrs. *Winston* of the Senate; and messrs. *Howard* and *Perrine* of the House.

*Mr. Burleson* and *Mr. Shackelford*, having received a majority of all the votes given:

*Mr. Speaker* declared them duly and constitutionally elected Directors for the Branch of the Bank of the State of Alabama at Decatur, for the for the time prescribed by law.

The two Houses next proceeded to the election of a President of the Branch Bank at Huntsville.

*Joseph C. Bradley* and *Stephen S. Ewing*, being in nomination.

Those who voted for *Mr. Bradley*, are—messrs. *President*, *Ashe*, *Creagh*, *Dargan*, *Dent*, *Dougherty*, *Fleming*, *Gilchrist*, *Hardaway*, *Harris*, *Marchbanks*, *Norris*, *Spruill*, *Ward*, *Walthall* and *Winston* of the

Senate; and messrs. Speaker, Allen of R. Baker, Beck, Bowdon, Brandon, Clemens, Cobb, Dufreese, Garrett, Hall, Jackson, Judge, Lea, Miree, Mitchell of B. Perry, Portis, Prince, Roby, Scott of Macon, Seawell, Snowden, Storrs, Walker and Williams of Jackson of the House—42.

Those who voted for *Mr. Ewing*, are—messrs. Arrington, McClanahan and Wilson of the Senate; and messrs. Aldridge, Alexander, Allen of B. Barnett, Baugh, Bell, Chandler, Clay, Cooper, Croom, Davis of F. Dunn, Edwards, Fletcher, Gewin, Grady, Harris, Hays, Hill, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Conecuh, Jones of Lawrence, Jones of Limestone, Kennedy, King, Kittrell, Lansdale, Maples, Martin, Mason, McClung, Meriwether, Mitchell of T. Morrisett, Mudd, Norman, Patton, Perrine, Phillips, Rose, Scott of J. Smith of L. Smith of Mar. Steele, Stith, Treadwell, Watts of B. Watts of D. Webb, Williams of M. Woodward and Young of the House.—60.

*Mr. Ewing* having received a majority of all the vote given:

Mr. Speaker declared him duly and constitutionally elected President of the Branch Bank at Huntsville.

The two Houses next proceeded to the election of two Directors for the Branch Bank at Huntsville.

*Messrs. Rodah Horton, David Moore, Wm. Acklen, John Reid and Wm. Mastin*, having been in nomination.

Those who voted for *Mr. Reid*, are—messrs. President, Arrington, Ashe, Dargan, Dent, Fleming, Gilchrist, Griffin, Hardaway, Harris, Hudson, Marchbanks, McClanahan, Norris, Posey, Reese, Smith, Spruill, Watrous, Walthall, Wilson and Winston of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cook, Cooper, Croom, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Garrett, Grady, Hall, Harris, Hill, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Lawrence, Judge, Kennedy, Kidd, Kimbell, Kittrell, Lansdale, Lea, Maples, Martin, McClung, Meriwether, Mason, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Patton, Perrine, Perry, Phillips, Prince, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of Mar. Snowden, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. Williams of J. Williams of M. Winston, Woodward and Young of the House.

Those who voted for *Mr. Horton*, are—messrs. President, Ashe, Creagh, Dargan, Dent, Fleming, Gilchrist, Hardaway, Harris, Hudson, Marchbanks, McClanahan, Reese, Smith, Spruill, Watrous, Winston and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Davis of L. Dufreese, Dunn, Edwards, Garrett, Grady, Hall, Harris, Hays, Howard, Inge, Jackson, Jemison, Johnson, Jones of Blount, Jones of Lawrence, Judge, Kennedy, Kimbell, King, Kittrell, Lansdale, Maples, Martin, Mason, Mc-

Clung, Meriwether, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Patton, Phillips, Portis, Prince, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Steele, Smith, Storrs, Treadwell, Walker, Watts of B. Williams of J. Williams of M. and Woodward of the House.

Those who voted for *Mr. Acklen*, are—messrs. Arrington, Creagh, Griffin, Norris, Posey, and Walthall of the Senate; and messrs. Allen of B. Baugh, Cobb, Croom, Davis of F. Fletcher, Gewin, Hays, Hill, Jones of Benton, Jones of Con. Jones of Limestone, Kidd, King, Lea, Norman, Perrine, Perry, Portis, Roby, Watts of D. Winston and Young of the House.

Mr. Jones of Con. voted for *Mr. Moore*.

*Messrs. Reid and Horton*, having received a majority of all the votes given:

Mr. Speaker declared them duly and constitutionally elected Directors of the Branch Bank at Huntsville, for the term prescribed by law.

The Senate then withdrew from the Hall of the House.

The House adjourned.

#### AFTERNOON SESSION, January 25, 1845.

House met pursuant to adjournment.

On motion of *Mr. Webb*,

*Resolved*, That the Senate be invited into the hall of the House, to proceed with elections remaining undisposed of this morning.

The Senate forthwith proceeded to the Hall of the House, and the two Houses proceeded first to elect a President of the Branch Bank at Montgomery.

*E. Y. Fair*, alone being in nomination, and he having received one hundred and nine votes, that being the whole number given:

Mr. Speaker declared him duly and constitutionally elected President of the Branch Bank at Montgomery.

The two Houses then proceeded to elect two Directors for the Branch Bank at Montgomery:

*Messrs. Nimrod E. Benson, Absalom Jackson, Green Wood, Senr. Robert D. Ware, and Silas Ames*, being in nomination.

Those who voted for *Mr. Benson*, are—messrs. President, Arrington, Ashe, Creagh, Dargan, Dent, Fleming, Gilchrist, Griffin, Hardaway, Harris, Hudson, Marchbanks, McClanahan, Norris, Posey, Smith, Spruill, Walker of B. Walker of L. Ward, Watrous, Walthall, Winston and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Cobb, Cook, Cooper, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Garrett, Gewin, Grady, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Con. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale,

Lea, Maples, Martin, Mason, McClung, Meriwether, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Pertine, Perry, Portis, Prince, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Steele, Smith, Storrs, Treadwell, Walker, Watts of B. Watts of D. Webb, Williams of M. Winston, Woodward and Young of the House.

Those who voted for *Mr. Jackson*, are—messrs. President, Arrington, Ashe, Creagh, Dargan, Dent, Fleming, Gilchrist, Griffin, Hardaway, Harris, Hudson, Marchbanks, McClanahan, Norris, Posey, Smith, Spruill, Walker of B. Walker of L. Ward, Watrous, Walthall, Winston and Wilson of the Senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Baker, Barnett, Baugh, Bell, Beck, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Davis of F. Davis of L. Dufreese, Dunn, Edwards, Fletcher, Garrett, Gewin, Grady, Hall, Harris, Hays, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Blount, Jones of Con. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kuttrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Perry, Portis, Prince, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Steele, Smith, Storrs, Treadwell, Walker, Watts of B. and Watts of D. Webb, Williams of M. Winston, Woodward and Young of the House.

*Messrs. Benson and Jackson*, having received a majority of all the votes given:

Mr. Speaker declared them duly and constitutionally elected Directors of the Branch Bank at Montgomery.

The two Houses next proceeded to the election of a President of the Branch Bank at Mobile.

*T. L. Toulmin*, alone being in nomination, and he having received one hundred and six votes, that being the whole number given:

Mr. Speaker declared him duly and constitutionally elected President of the Branch Bank at Mobile.

The two Houses then proceeded to elect two Directors of the Branch Bank at Mobile.

*Messrs. James L. Deas, Joseph Ela, John J. Wanroy, Wm. P. Gould and John Y. Russell*, being in nomination.

Those who voted for *Mr. Deas*, are—messrs. President, Arrington, Ashe, Creagh, Dargan, Dent, Dougherty, Fleming, Gilchrist, Griffin, Hardaway, Hudson, Marchbanks, McClanahan, Norris, Posey, Reese, Watrous, Walthall and Wilson of the senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Barnett, Baugh, Beck, Bell, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Cook, Cooper, Davis of F. Davis of L. Dufreese, Edwards, Fletcher, Garrett, Gewin, Grady, Hall, Harris, Hill, Hobdy, Howard, Inge, Jackson, Jemison, Johnson, Jones of Benton, Jones of Con. Jones of Lawrence, Judge, Kennedy, Kimbell, King, Lansdale, Lea, Maples, Martin, Mason, McClung, Meri-

wether, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Webb, Williams of J. Williams of M. Winston, Woodward and Young of the House.

Those who voted for *Mr. Gould*, are—messrs. President, Arrington, Ashe, Creagh, Dargan, Dent, Dougherty, Fleming, Gilchrist, Griffin, Hardaway, Harris, Hudson, Marchbanks, McClanahan, Posey, Reese, Smith, Spruill, Walker of B. Walker of L. Watrous, Walthall, Wilson and Winston of the senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Barnett, Baugh, Beck, Bell, Bowden, Brandon, Chandler, Clemens, Cobb, Cook, Cooper, Davis of F. Davis of L. Dufreese, Dunn, Fletcher, Garrett, Gewin, Grady, Hall, Harris, Hull, Hobdy, Inge, Jackson, Jamison, Johnson, Jones of Benton, Jones of Con. Jones of Lawrence, Judge, Kennedy, Kimbell, Kittrell, Lansdale, Lea, Maples, Martin, Mason, McClung, Meriwether, Miree, Mitchell of B. Mitchell of T. Morrison, Mudd, Patton, Perrine, Perry, Phillips, Portis, Prince, Roby, Rose, Scott of J. Scott of M. Seawell, Smith of L. Smith of M. Snowden, Steele, Stith, Storrs, Treadwell, Walker, Watts of B. Watts of D. Williams of J. Williams of M. Winston, Woodward and Young of the House.

Those who voted for *Mr. Wanroy*, are—messrs. Allen of R. and Kidd of the House.

Those who voted for *Mr. Russell*, are—messrs. Dunn, Howard, King, Kidd, Kittrell, Morrisett, Perrine, Prince and Watts of D. of the House.

Those who voted for *Mr. Ela*, are—messrs. Harris, Norris, Smith, Spruill, Walker of B. Walker of L. and Winston of the senate; and messrs. Norman and Webb of the House.

*Mr. Deas* and *Mr. Gould*, having received a majority of all the votes given.

Mr. Speaker declared them duly and constitutionally elected Directors of the Branch Bank at Mobile, for the term prescribed by law.

The two Houses then proceeded to the election of a President of the State Bank.

*Messrs. John Marrast, John Owen and Arthur Foster*, being in nomination.

Those who voted for *Mr. Marrast*, are—President, Creagh, Dargan, Gilchrist, Harris, Hudson, McClanahan and Posey of the senate; and messrs. Beck, Bowden, Brandon, Chandler, Clay, Davis of F. Davis of L. Dufreese, Dunn, Hall, Jackson, Jamison, King, Martin, Mason, Meriwether, Mitchell of B. Mudd, Norman, Perry, Phillips, Portis, Roby, Rose, Seawell, Smith of M. Steele, Stith, Storrs, Walker, Watts of D. and Woodward of the House.

Those who voted for *Mr. Owen*, are—messrs. Hardaway, Spruill, Walker of B. Walthall and Winston of the senate; and messrs. Barnett, Bell, Cooper, Grady, Harris, Hobdy, Inge, Jones of Benton, Jones of Lawrence, Jones of Limestone, Kidd, Kimbell, Kittrell, Lansdale, Lea,

McClung, Miree, Mitchell of T. Morrison, Patton, Scott of M. Smith of L. Treadwell, Watts of B. and Williams of M. of the House.

Those who voted for *Mr. Foster*, are—messrs. Arrington, Ashe, Dent, Dougherty, Fleming, Griffin, Marchbanks, Norris, Reese, Smith and Wilson of the senate; and messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Baugh, Clemens, Cobb, Edwards, Fletcher, Garrett, Gwin, Hays, Hill, Howard, Johnson, Jones of Blount, Jones of Con. Judge, Kennedy, Maples, Morrisett, Prince, Scott of J. Snowden, Webb, Williams of J. Winston and Young of the House.

Mr. Perrine voted for *Joel White*.

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to vote a second time:

Those who voted for *Mr. Marrast*, are messrs—President, Creagh, Dargan, Gilchrist, Harris, Hudson, McClanahan and Posey of the senate; and messrs. Beck, Bowdon, Brandon, Chandler, Clay, Cook, Davis of F. Davis of L. Dufreese, Dunn, Hall, Jackson, King, Martin, Mason, Meriwether, Mitchell of B. Mudd, Norman, Perry, Phillips, Portis, Rose, Seawell, Smith of L. Smith of M. Steele, Stith, Storrs, Walker, Watts of D. and Woodward of the House.

Those who voted for *Mr. Owen*, are—messrs. Walker of B. Walthall and Winston of the senate; and messrs. Barnett, Bell, Cooper, Grady, Harris, Hobdy, Inge, Jemison, Jones of Benton, Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, Kittrell, Lansdale, Lea, McClung, Miree, Mitchell of T. Patton, Roby, Scott of M. Treadwell and Williams of M. of the House.

Those who voted for *Mr. Foster*, are—messrs. Arrington, Ashe, Dent, Dougherty, Fleming, Griffin, Hardaway, Marchbanks, Norris, Smith, Spruill, Watrous and Wilson of the senate; and messrs. Speaker, Aldridge, Allen of B. Allen of R. Baker, Baugh, Clemens, Cobb, Edwards, Fletcher, Garrett, Gwin, Hays, Hill, Howard, Johnson, Jones of Blount, Jones of Con. Kennedy, Maples, Morrisett, Morrison, Prince, Scott of J. Snowden, Watts of B. Webb, Williams of J. Winston and Young of the house.

Neither of the candidates having received a majority of the whole number of votes given, the two houses proceeded to vote a third time. The name of *Mr. Owen* being withdrawn.

Those who voted for *Mr. Marrast*, are—messrs. President, Creagh, Dargan, Gilchrist, Harris, Hudson, McClanahan and Posey of the senate; and messrs. Alexander, Beck, Bowdon, Brandon, Chandler, Clay, Cook, Davis of F. Davis of L. Dufreese, Dunn, Hall, Inge, Jackson, Jones of Benton, Jones of Lawrence, King, Kittrell, Martin, Meriwether, Mitchell of B. Mudd, Norman, Patton, Perry, Phillips, Portis, Roby, Rose, Seawell, Smith of L. Smith of M. Steele, Stith, Storrs, Treadwell, Walker, Watts of D. Williams of M. and Woodward of the house.

Those who voted for *Mr. Foster*, are—messrs. Arrington, Ashe, Dent, Dougherty, Fleming, Griffin, Hardaway, Marchbanks, Norris, Smith, Spruill, Walker of B. Watrous, Walthall and Wilson of the senate; and messrs. Speaker, Aldridge, Allen of B. Allen of R. Barnett,

Baker, Bangh, Bell, Clemens, Cobb, Edwards, Fletcher, Garrett, Gewin, Grady, Harris, Hays, Hill, Hobdy, Howard, Jemison, Johnson, Jones of Blount, Jones of Con. Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, Lansdale, Lea, Mason, Maples, M Clung, Miree, Mitchell of T. Morrisett, Morrison, Perrine, Prince, Scott of J. Scott of M. Snowden, Watts of B. Webb, Williams of J. Winston and Young of the house.

*Mr. Foster* having received a majority of all the votes given,

Mr. Speaker declared him duly and constitutionally elected President of the State Bank for the term prescribed by law.

The two Houses next proceeded to the election of two Directors of the State Bank of Alabama.

*Messrs. Henry King, James Guild, John Duffee and Henry A. Snow*, being in nomination.

The name of *Mr. Snow*, having been withdrawn.

Those who voted for *Mr. Hogan*, are—messrs. President, Arrington, Ashe, Creagh, Dargan, Dent, Dougherty, Fleming, Gilchrist, Griffin, Hardaway, Harris, Hudson, Marchbanks, McClanahan, Norris, Posey, Smith, Spruill, Walker of B. Walker of L. Watrous, Walhall, Winston and Williams of the senate; and messrs. Speaker, Baker, Barnett, Bell, Bowdon, Brandon, Chandler, Clemens, Cook, Cooper, Davis of F. Davis of L. Dunn, Fletcher, Garrett, Grady, Hall, Harris, Hays, Hill, Hobdy, Howard, Jemison, Johnson, Jones of Con. Jones of Lawrence, Jones of Limestone, Judge, Kidd, Kimbell, King, Kittrell, Lea, Maples, Mason, Mitchell of T. Morrisett, Morrison, Mudd, Perrine, Perry, Phillips, Portis, Prince, Rose, Scott of M. Smith of M. Snowden, Storrs, Walker, Watts of B. Watts of D. Williams of M. and Young of the house.

Those who voted for *Mr. Guild*, are—messrs. Arrington, Ashe, Dent, Dougherty, Hardaway, Harris, Hudson, Marchbanks, McClanahan, Norris, Posey, Smith, Spruill, Walker of L. Watrous, Walhall, Winston and Wilson of the senate; and messrs. Allen of B. Baker, Barnett, Bell, Clay, Cook, Cooper, Davis of F. Davis of L. Dufreese, Dunn, Grady, Hall, Ioge, Jemison, Johnson, Jones of Con. Jones of Lawrence, Jones of Limestone, Judge, Kennedy, Kidd, Kimbell, King, Kittrell, Lansdale, Meriwether, Miree, Mitchell of B. Mitchell of T. Morrisett, Morrison, Mudd, Norman, Patton, Perrine, Prince, Roby, Rose, Scott of J. Seawell, Smith of L. Smith of M. Snowden, Storrs, Watts of B. Watts of D. Webb, Williams of J. Williams of M. Woodward and Young of the house.

Those who voted for *Mr. Duffee*, are—messrs. Creagh and Walker of B. of the senate; and messrs. Aldridge, Alexander, Beck, Cobb, Fletcher, Gewin, Ioge, Jackson, Jones of B. Jones of Limestone, Lansdale, Martin, Meriwether, Miree, Mitchell of B. Norman, Roby, Smith of L. Steele, Stith, Treadwell, Winston and Woodward of the house.

Those who voted for *Mr. King*, are messrs. President, Dargan, Fleming, Gilchrist, and Griffin of the senate; and messrs. Speaker, Aldridge, Alexander, Allen of B. Allen of R. Beck, Bowdon, Brandon, Chandler, Clay, Clemens, Cobb, Davis of F. Garrett, Gewin, Harris, Hays, Hill,

Hobdy, Howard, Jackson, Jones of Benton, Jones of Lawrence, Kennedy, Lea, Maples, Martin, Norman, Perry, Phillips, Portis, Scott of J. Scott of M. Seawell, Steele, Smith, Treadwell, Walker, Webb, Williams of J. and Winston of the house.

*Messrs. Guild and Hogan*, having received a majority of all the votes given,

Mr. Speaker declared them duly and constitutionally elected directors of the State Bank of Alabama, for the time prescribed by law.

The two Houses next proceeded to elect a Trustee for the University of Alabama, for the fifth Judicial Circuit.

*Robert T. Scott, Esq.* alone being in nomination, and receiving eighty-three votes that being the whole number given.

Mr. Speaker declared him duly and constitutionally elected Trustee of the University of Alabama, for the term prescribed by law for the fifth Judicial Circuit.

The two Houses next proceeded to the election of a Trustee for the sixth Judicial Circuit.

*John W. Portis Esq.* alone being in nomination, and he having received seventy-two votes that being the whole number given.

Mr. Speaker declared him duly and constitutionally elected for the term prescribed by law.

The two Houses next proceeded to elect a Trustee for the seventh Judicial Circuit.

*James M. Beckett*, alone being in nomination, and he having received sixty-six votes, that being the whole number given,

Mr. Speaker declared him duly and constitutionally elected Trustee of the University of Alabama, for the term prescribed by law.

The Senate then withdrew from the House and returned to their chamber.

A message from the Governor, by **Mr. Harrison**:

Mr. Speaker—His Excellency has approved bills of the following titles:

An act to cancel a certain contract therein named:

An act to legalize a certain sale, therein named:

An act to incorporate the Trustees of the Seaman's Home:

An act to incorporate the town of Union, in the county of Greene:

An act to prevent the poisoning of fish in the water courses of this State:

An act to authorize the Judges and Coroners of Randolph county, to levy a special tax:

Which originated in this House.

The House took up the resolution, proposing to adjourn *sine die*, "on the twenty-fifth instant.

Mr. Winston moved to strike out "twenty-fifth," and insert "twenty-seventh."

Mr. McClung moved to strike out "twenty-fifth," and insert "twenty-eighth;" which was lost. Yeas 36—Nays 36:



**YEAS**—messrs. Allen of B. Barnett, Bell, Chandler, Clay, Cobb, Cook, Cooper, Dufreese, Dunn, Edwards, Garrett, Hall, Hill, Hobdy, Jones of Blount, Jones of Limestone, Kennedy, Kidd, McClung, Mitchell of B. Morrison, Mudd, Norman, Patton, Perrine, Scott of J. Seawell, Smith of L. Stith, Storrs, Treadwell, Watts of B. Watts of D. Williams of J. and Williams of M.

**NAYS**—messrs. Speaker, Aldridge, Alexander, Allen of R. Baker, Beck, Brandon, Davis of F. Davis of L. Fletcher, Grady, Harris, Hays, Howard, Jackson, Johnson, Jones of Ben. Jones of C. Jones of Law. Kimbell, King, Kittrell, Lansdale, Lea, Mason, Miree, Morrisett, Perrine, Roby, Rose, Scott of mar. Snowden, Steele, Webb, Winston and Woodward.

The question recurred on the motion of Mr. Winston, to strike out "twenty fifth," and insert "twenty-seventh;" and carried.

The House adjourned.

### NIGHT SESSION, January 25, 1845.

The House met pursuant to adjournment.

Mr. Jemison, from the select committee, to whom was referred a bill to be entitled an act to authorize Gideon B. Frierson, to erect a toll bridge, across Big Sandy Creek, in Tuscaloosa county, reported that it would be inexpedient to legislate on the subject.

The report was concurred in.

Mr. Jemison, from the same committee, to whom was referred a bill from the Senate to be entitled an act to amend the charter of the city of Tuscaloosa, reported that it would be inexpedient to legislate on the subject.

The report was concurred in.

Mr. Young, from the select committee, to whom was referred the bill to be entitled an act to alter and amend the boundary line between the counties of Benton and Cherokee, reported it back, and recommended its passage.

The bill was read the second and third times, and passed.

Mr. Scott of J. from the committee on accounts, to whom was referred several memorials from the county of Marion, concerning the payment of certain amounts from the Treasury, reported the same back to the House, as it was inexpedient to legislate on the subject of said memorials, and asked to be discharged from their further consideration.

The report was concurred in.

Mr. Portis, from the committee on the sixteenth section fund, reported back the bill to the House, and recommended that the bill should not pass as the law already provides for the relief of the individual in the forty-ninth section of the law in Aiken's Digest, page five hundred and twenty-seven.

The report was concurred in.

**Mr. Storrs**, from the committee on enrolled bills, reported as correctly enrolled, and this day presented to the Governor for his approval:

An act to apportion representation to the several counties in this State, and divide the State into Senatorial districts;

An act to appoint **Will E. Bird**, escheator, for the county of Dallas;

An act to establish the State Mutual Insurance Company;

An act to reduce the rate of salvage on bales of cotton;

Joint resolutions in relation to indexing the Journals of the General Assembly.

The bill from the Senate to authorize the commissioners of the town of Dadeville, to dispose of the unsold lots of said town;

The bill from the Senate to authorize the acting officers of the Selma Rangers, to execute a bond for a portion of the arms of the State, and for other purpose :

The bill from the Senate to limit the time of holding the County Court of Tuscaloosa county:

Were severally read the third time and passed.

The bill from the Senate to compensate **Levi Robbins**, was read the second time and ordered to a third reading.

The bill from the Senate, for the relief of **Darwin L. P. Thompson**, tax collector of Marengo county, was read the second time and laid on the table.

The bill from the Senate, to provide for the payment of inquests held upon deceased convicts, of the Penitentiary, was read the second time, and ordered to a third reading.

The bill from the Senate, the more effectually to secure the collection of debts against corporations, was read the second and third times and passed.

The bill from the Senate, to amend the laws in relation to contracts in certain cases, was read the third time and passed.

The bill from the Senate, to alter and amend the Chancery system of this State, was read the second time, and laid on the table.

The bill from the Senate, giving the Orphans' Court jurisdiction, to compel the executor or administrator of a deceased executor or administrator, to settle the accounts of his testate or intestate, was read the third time.

**Mr. Williams of M.** moved an amendment; which was adopted and the bill passed.

The bill from the Senate, to regulate the effects of sales under decrees of equity:

The bill from the Senate, to prevent suits being brought in the name of other persons, without their consent:

The bill from the Senate, to authorize guardians of minors, idiots, &c to remove property from this State &c:

The bill from the Senate, declaring Cedar Creek a public highway:

Were severally read the third time and passed.

The bill from the Senate, to extend the time of payment to purchas

ers of sixteenth sections. &c., was read the first, second and third times and passed.

The engrossed bill to incorporate Salem Camp Ground, was read the third time and passed.

On motion of Mr. Jackson,

*Resolved*, That three thousand captions of the acts passed at this session of the Legislature be printed for the use of this House.

The engrossed bill for the relief of the widow and heirs of William Pride, was read the third time and passed.

The bill from the Senate to confer power on the Clerks of the Circuit and County Courts to issue attachments:

And the joint resolutions requiring certain duties, to be performed by the Secretary of State:

Were severally read the third time and passed.

Mr. Inge moved to take up the joint resolutions recommending a sale of the State Bank and Branches, &c. which was carried. Yeas 34 Nays 18:

**NAYS**—messrs. Aldridge, Alexander, Allen of B. Allen of R. Baugh, Bowdon, Brandon, Cook, Edwards, Fletcher, Garrett, Hall, Harris, Hays, Howard, Inge, Johnson, Jones of C. Jones of Lawrence, Maples, Miree, Morrisett, Morrison, Norman, Scott of J. Smith of L. Snowden, Steele, Treadwell, Watts of D. Williams of J. Winston, Woodward and Young

**YEAS**—messrs. Baker, Chandler, Davis of L. Dunn, Hobdy, Jackson, Jamison, Jones of Benton, Jones of Limestone, Kittrell, McClung, Mitchell of T. Perry, Phillips, Seawell, Storrs, Watts of B. and Webb

Mr. Watts of B. moved that the consideration of the resolution be postponed until Monday next; which was carried. Yeas 31—Nays 29:

**YEAS**—messrs. Speaker, Allen of B. Barnett, Chandler, Clay, Cook, Davis of L. Davis of F. Dufreese, Dunn, Hall, Harris, Hobdy, Jackson, Jamison, Jones of Benton, Kittrell, Mason, McClung, Mitchell of T. Morrisett, Patton, Perry, Phillips, Portis, Scott of M. Seawell, Storrs, Watts of B. and Watts of D. and Winston.

**NAYS**—messrs. Aldridge, Alexander, Allen of B. Baugh, Bell, Bowdon, Brandon, Cobb, Edwards, Fletcher, Garrett, Grady, Hays, Hill, Howard, Inge, Jones of C. Jones of Lawrence, Miree, Morrison, Norman, Scott of J. Smith of L. Snowden, Steele, Williams of M. Williams of M. Woodward and Young

The House proceeded to the consideration of the amendments of the Senate to the bill to provide for the payment of claims against the State

Mr. Rose moved to disagree to amendment of Senate, striking out the names of William T. Hatchett; which was lost.

Mr. Davis of L. moved to disagree to the amendment of the Senate, striking out the claim of — Sweaney; which was lost.

The amendments of the Senate were concurred in.

The bill from the Senate, making appropriation for the payment of claims against the State, was read the first, second and third times and passed.

The bill from the Senate, for the relief Laura Slade:

The bill from the Senate, to authorize the Bank marshals, to execute all process now in their hands:

The bill from the Senate, to regulate admiralty proceedings against steamboats and other water crafts, navigating the inland waters of the State of Alabama:

The bill from the Senate for the relief of Augustus C. Hawkins, of Macon county:

Were severally read the third time and passed.

The engrossed bill to perfect titles, to a certain tract of land, in the county of Marengo, were read a third time and passed.

The amendments of the Senate, to the bill for the relief of Marth Coleman, were concurred in.

The amendment of the Senate to

The bill to levy a special tax, in Pike county:

The bill to change the compensation of grand and petit jurors, in the county of Pike:

The bill for the relief of Ann D. Irby, of Lowndes county:

The bill for the benefit of the Pentala Van Guards:

And the bill to compensate J. C. Rawles, sheriff of Tallapoosa county, for certain services:

Were severally concurred in

The engrossed bill concerning divorces was read the third time and passed. Yeas 29—Nays 22:

YEAS—messrs. Bugh, Bell, Chandler, Clay, Dunn, Grady, Harrington, Lemison, Jones of Con. Jones of Lawrence, Jones of Limestone, Kittrell, Mason, McClung, Mitchell of F. Morrisett, Norman, Patton, Perrine, Scott of J. Scott of M. Seawell, Smith of L. Treadwell, Watts of B. Webb, Williams of M. and Young.

NAYS—messrs. Speaker, Alexander, Allen of R. Barnett, Brandon, Davis of F. Davis of L. Edwards, Fletcher, Hall, Hays, Hill, Hobbs, Jackson, Maples, Perry, Phillips, Snowden, Steele, Watts of L. and Woodward

The House then adjourned.

MONDAY January 27, 1845.

The House met pursuant to adjournment.

Mr. Barnett moved to take up the bill from the Senate, to compel Bank marshal, &c. to pay over the money in their hands; which was carried.

The bill was read three several times and passed.

A message from the Governor, by Mr. Harrison:

Mr. Speaker—His Excellency the Governor has approved bills of the following titles to wit:

An act to establish the State Mutual Insurance Company:

An act to reduce the rate of salvage on cotton bales:

Joint resolutions in relation to indexing the Journals of the General Assembly:

An act to extend the time of holding the Chancery Court of Sumter and Mobile counties, and for other purposes:

An act to establish an additional beat in the county of Montgomery:

An act for the relief of Dory Ann B. Taylor, wife of Henry Taylor, of the county of Talladega:

An act to enable the Branch Bank at Mobile to redeem certain property:

An act to change the number of the regiment of Alabama militia, in the county of Coffee:

An act to authorize Lewis T. Greene to build a mill on the Coosa river.

An act to change the time of summoning jurors for the county of Limestone, and other counties therein named:

An act for the relief of Edmund B. Cody:

A memorial and joint resolutions of the General Assembly of the State of Alabama to the Congress of the United States:

An act to incorporate the Philomathic Society of the University of the State of Alabama:

An act to incorporate the Eutaw and Clinton Dragoons:

An act to authorize the Governor to remit a fine imposed on Peter Bozeman:

An act to change the manner of summoning jurors in Walker county:

An act to change the name of certain persons therein named:

An act to incorporate Orion Academy, in the county of Pike, and for other purposes:

Joint resolutions in regard to the Tennessee Canal:

An act to define the mode of proceeding against sheriffs, coroners, and their securities:

An act to change the time of holding the circuit court of Talladega county:

Which bills originated in the House of Representatives.

The engrossed bill to amend the several acts incorporating the town of Greensboro', in the county of Greene, was read the third time and passed.

The amendments of the Senate to the joint resolutions of the General Assembly of the State of Alabama, were concurred in.

Mr. Damm moved to take up the revenue bill; which was lost.

The House adjourned.

AFTERNOON SESSION, January 27, 1845.

The House met pursuant to adjournment.

A message from the Governor, by Mr. Harrison:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles, to wit:

An act to emancipate a certain slave therein named:

An act to authorize the Judge of the County Court and Commissioners of Roads and revenue, for the county of Tuscaloosa, to sell certain property therein named:

An act to authorize Jack Demery, of the county of Montgomery, to emancipate certain slaves therein named:

An act to change the sittings of the spring term of the Circuit Court for Montgomery county, and for other purposes:

An act to change the time of holding the County Court of Dale county:

An act to alter the organization of the Board of the Commissioners of roads and revenue, in the county of Mobile:

An act to incorporate a Female Academy in the town of Eutaw, Greene county:

An act making appropriations for the year eighteen hundred and forty five:

An act making appropriations for the payment of certain claims against the the State:

An act to change the mode of assessing taxes in certain counties therein named:

An act to levy a special tax in Pike and Shelby counties:

An act to change the compensation of grand and petit jurors in the counties of Pike and Jackson:

An act for the relief of Venus Hassell, and other persons therein named:

An act to repeal an act entitled an act, to alter and define the northern boundary line of East Wetumpka:

An act to regulate the Chancery Courts for Benton and Talladega counties:

An act to authorize Thomas Hollingsworth to establish a ferry on Coosa river, in Cherokee county:

An act for the relief of Charles J. Barnett, of Pike county:

An act for the relief of Charles R. Gibbs:

An act to exempt the real and personal estate of the State Bank and Branches, from taxation:

An act for the relief of purchasers of a certain sixteenth section, in the county of Barbour:

An act for the relief of Sarah Blankenship, of Marshall, Mary Ann Armstrong, of Montgomery, and Adenne Smith, of Dale counties, and others:

An act for the relief of Parker S. Beasley, of Montgomery county:

An act for the relief of John S. Brooks:

An act to incorporate the Eufaula Male and Female Academy:

An act to authorize Edmund Wiggins to erect a toll bridge over Choctawhatchee river, in Coffee county:

An act concerning trading boats and other traffic with slaves, in this State:

An act to establish and abolish certain election precincts therein named:

An act to change the county line of Macon county:

An act for the relief of Ann D. Irby:

An act to compensate J. C. Rawles, sheriff of Tallapoosa county, for certain services therein named:

An act for the relief of Arthur Johns:

Which bills originated in the House of Representatives.

A message from the Governor:

Mr. Speaker—His Excellency the Governor, has approved bills of the following titles, to wit:

Joint memorial to the Congress of the United States:

An act declaring Conecuh river a public highway:

An act legitimating the children of John Rapier:

Joint resolutions on the repudiation of State debts:

An act to change the time of holding the Chancery Courts, in the counties of St. Clair and Randolph:

An act to incorporate the Dallas Mounted Guards, in the county of Dallas:

An act for the relief of Elizabeth A. Lea:

An act for the relief of Mary W. Martin:

An act to change the time of holding the Chancery Court for the thirtieth district, northern division:

An act for the relief of the widow and heirs of William Pride, deceased:

Joint resolutions of the General Assembly of Alabama:

An act to incorporate the President and Trustees of the Franklin Seminary, in Pickens county:

An act to establish a Board of Physicians, in the town of Talladega:

An act to rescind a certain contract therein named:

An act to amend the several acts, incorporating the town of Greensboro', in the county of Greene:

An act to attach a part of Benton to Talladega county:

An act requiring a special Commissioners' Court in Cherokee county:

Which bills originated in the House of Representatives.

On motion of Mr. Kittrell,

*Resolved*, That a committee of three persons be now appointed

to act with such committee as may be appointed on the part of the Senate, to wait upon His Excellency the Governor, and inform him that the two Houses are now ready to adjourn *sine die*, if he has no further communication to make to them.

Messrs. Kittrell, Brandon and Portis were appointed said committee on the part of the House.

A mes-age from the Senate, by Mr. Marrast:

Mr. Speaker—The Senate concurs in the resolution from the House, appointing a committee to wait on His Excellency the Governor, and inform him that the two Houses are ready to adjourn *sine die*, unless His Excellency has further communication to make to them, and have appointed Messrs Fleming, Dent, and Harris said committee on the part of the Senate.

Mr. Kittrell, from the committee appointed to wait on His Excellency the Governor, and inform him the two Houses are ready to adjourn *sine die*, if he has no further communication to make; reported that the committee had performed that duty, and were informed by the Governor, that he had no further communication to make.

Thereupon, Mr. McClung offered the following resolution; which was unanimously adopted:

*Resolved*, That the thanks of this House are due to the Honorable ANDREW B. MOORE, for his distinguished ability, promptness and impartiality, in discharging the duties of his office as Speaker.

Mr. Speaker responded to the resolution as follows:

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

The labors of the present session of the General Assembly have been brought to a close, and it only remains for me to pronounce that unwelcome word farewell. But before we perform this painful task, I desire briefly to allude to some of the most prominent measures that have engaged our attention.

The first and perhaps the most important that I shall notice is the subject of our Banks. It has fallen to our lot to determine whether the system of State Banks as it has existed in Alabama for twenty years should be longer tolerated. You have met this great question as men and as patriots, without distinction of party, and have declared in the solemn form of laws, that the connexion between our State Government and the Banks shall no longer exist—that it shall be dissolved forever. In doing this, you have but done the will of the people. They expected nothing less at your hands. They looked upon those institutions as so many cankers, eating into the very vitals of the body politic; and if we had not cut them off, we would have justly merited their censure.

The policy adopted in relation to the collection of bank debts is rigid, but circumstances seemed to demand it, and I fear nothing short of the amount proposed to be collected, would have satisfied the people.

The subject of taxation is next in importance.—The disposition made



of the *Revenue Bill* does not meet the approbation of a majority of this House; but I think I am not mistaken when I say it will give satisfaction to a large majority of those whom we represent. Let me not be understood, as intimating that the people are unwilling to be taxed to any extent that may be necessary and proper, or that they do not intend to redeem the plighted faith of the State. They are honest, just, and patriotic. But they desired their representatives to do two things before they imposed a heavy tax upon them. First, to wind up the Banks, the principal source of taxation, and then faithfully and honestly, apply the assets that have not been squandered to the payment of our State debt. When this is done, they will be prepared to do any thing to sustain the honor and credit of the Government.

Our creditors, if they will properly consider the action of the Legislature, need have no fears. The provision made by the Bank bill, will discharge two and a half millions of our State debt. We owe three millions in the notes of the different Banks. The collection of one-third of the good Bank debts, will pay more than two millions of that amount. In addition to this, we have made provisions for the interest on our bonds, for this and the ensuing year. I am sure this view of the subject should satisfy the public mind, and quiet the apprehension of our bill and bond holders.

The apportionment of Representatives and Senators, has been a most perplexing and annoying subject to the Legislature. But for that *spirit of patriotism, which has so often induced men to sacrifice all personal feelings and interests for the public good*, this question would have yet been unsettled, and consequences greatly to be deprecated would necessarily have followed. The apportionment bill is unequal and unjust — But considering the diversity of opinions and conflicting interests, it is the best that could be done, and I feel assured that the same spirit of patriotism, that enabled us to pass the bill, will induce our constituents to be content with it.

I will not detain you gentlemen, by alluding to other subjects of legislation. But before I conclude, I desire to tender to each and every member of this House my most grateful acknowledgments for the unusual courtesy and kindness you have been pleased to extend to me during the session, and for the complimentary resolution I find on my table. I leave you gentlemen, with kindest personal feelings for you all, individually and collectively; and if I have been so unfortunate, in any thing I have said or done, to wound the feelings of a single member, I desire now to repair the injury, by saying to him, that nothing could have been further from my intentions.

To the Clerks of this House, I return my most sincere thanks, for the extraordinary ability, promptness and fidelity, with which they have discharged their arduous and perplexing duties. To our vigilant and most faithful doorkeeper, I tender my acknowledgments.

Now gentlemen, after expressing my anxious desire for your future prosperity and happiness, and wishing you a speedy, safe, and happy return to your homes and constituents, I bid you farewell.

The House stands adjourned *sine die*.

A. B. MOORE,  
*Speaker of the House of Representatives.*

Attest:

JOSEPH PHELAN,  
*Clerk of the House of Representatives.*

*January 27th, 1845.*

INDEX  
TO THE  
JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES.

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NOTE.

The difficulty of preparing an Index to the Journals of a Legislature is great under any circumstances, and particularly so when the compiler brings no experience to aid in such a work. As this is the first of the kind which he has prepared, he hopes the many imperfections with which it abounds, both as regards form and correctness of reference, will be excused—and he asks this especially of the members of the Legislature.

The arrangement of this was thought to be the best under all the circumstances, both for convenience and economy, but since it was finished many improvements have suggested themselves, which, if time admitted of their adoption, would render the reference to subjects of legislation much more easy and rapid.

The arrangement of “Motions” may not be clear, as several distinctions under this title, were added after the work had progressed some time; but the compiler is gratified to know, that his errors in arranging the index do not in the least affect the record.

These remarks are intended to apply as well to the Journal of the Senate as that of the House of Representatives.

W. GARRETT.

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| A bill to authorize the introduction of certified copies of the Record of Deeds evidenced in certain cases,      | 123, 204                       |
| A bill to regulate the Orphans Court of Dale and Coffee counties,                                                | 129, 331                       |
| A bill to alter and amend the law in relation to damages on affirmed judgments, or decrees in the Supreme Court, | 129                            |
| A bill to incorporate the Dallas Mounted Guards.                                                                 | 142, 308, 330, 361             |
| A bill to divorce certain persons therein named,                                                                 | 157, 210, 212, 301<br>305, 316 |
| A bill to divorce Charles M. Weatherford, from his wife Susan Weatherford,                                       | 169                            |
| A bill to change the time of holding the County Court of Dale County,                                            | 188, 305, 360                  |
| A bill concerning divorces,                                                                                      | 217, 229, 353                  |
| A bill to divorce certain persons therein named,                                                                 | 301, 320, 333                  |
| A bill to define the time beyond which bills of exception should not be signed and certified,                    | 27, 35, 58                     |
| A bill to establish an election precinct at the Store House of E. B. Walls, in Marengo county,                   | 28, 35                         |
| A bill to abolish a precinct at the house of John Ards, and to establish one at the house of James Brackson,     | 31, 41                         |
| A bill to establish an election precinct at the house of Joseph Arthur, in the county of Dale,                   | 31, 41                         |

## BILLS—HOUSE —(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                                       | PROCEEDINGS.                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| A bill to establish and abolish certain election precincts therein named, in St. Clair county,                                                                        | 38, 125, 130                     |
| A bill to confirm the emancipation of certain persons therein named, -                                                                                                | 44, 100, 112, 137, 213, 216      |
| A bill to abolish certain precincts in De Kalb county,                                                                                                                | 56, 113                          |
| A bill to establish an election precinct in the county of Lowndes, -                                                                                                  | 56, 114, 130                     |
| A bill to abolish certain election precincts therein named, and establish others in lieu thereof, in St. Clair county, -                                              | 64, 99                           |
| A bill to establish an election precinct in the county of Talladega, at the house of John P. Rowden, in lieu of the precinct at Hudson's Mills,                       | 64, 125, 130                     |
| A bill to establish and abolish certain election precincts therein named, -                                                                                           | 120, 214, 215, 282, 361          |
| A bill to incorporate the Eutaw and Clinton Dragoons, -                                                                                                               | 128, 247, 294, 359               |
| A bill to establish election precincts in the county of Montgomery, -                                                                                                 | 130                              |
| A bill to amend an act therein named, as to the requirements of its fifth section,                                                                                    | 170, 251, 269                    |
| A bill to regulate the protesting of bills of exchange and promissory notes, in this State,                                                                           | 207                              |
| A bill to alter the time of holding elections, &c.                                                                                                                    | 213                              |
| A bill to emancipate a certain slave therein named,                                                                                                                   | 215, 259, 269, 360               |
| A bill authorizing the Governor to appoint an agent to collect from the Federal Government the sums due to this State for advances on account of Creek hostilities, - | 60, 114, 132, 318, 338, 341      |
| A bill for the relief of Levi Freeman,                                                                                                                                | 71, 125, 215, 226, 273, 297, 316 |
| A bill for the relief of Sarah Fouville,                                                                                                                              | 115, 247, 271                    |
| A bill to enable the Judge of the County Court and Commissioners of roads and revenue for the county of Franklin, to sell certain lands therein specified, -          | 123, 183, 209, 216               |
| A bill to authorize Gideon B. Frierson to erect a toll bridge across Big Sandy Creek, in Tuscaloosa county, -                                                         | 170, 330, 355                    |
| A bill for the relief of Elizabeth Felder, of Macon county, -                                                                                                         | 191, 331                         |
| A bill to prevent the poisoning of fish in the water courses running through the counties of Barbour and Pike, -                                                      | 208, 259, 269, 333, 340, 354     |

## BILLS—HOUSE—(CONTINUED)

| TITLE OF BILLS.                                                                                                            | PROCEEDINGS.                     |
|----------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| A bill to incorporate the President and Trustees of the Franklin Seminary, in the county of Pickens,                       | 254, 321, 361                    |
| A bill to emancipate the slave Gertrude,                                                                                   | 39, 46, 77, 91, 103              |
| A bill for the relief of John H. Gee, of Sumter county,                                                                    | 44, 100, 156                     |
| A bill for the relief of John Garner,                                                                                      | 80, 197, 212, 265, 296, 316      |
| A bill to authorize Lewis T. Greene, to build a mill on the Coosa river,                                                   | 97, 246, 270, 359                |
| A bill to amend the road laws in the county of Greene,                                                                     | 109, 116, 137, 183, 216          |
| A bill to authorize the sale of certain Bank lands, in the county of Greene,                                               | 169                              |
| A bill to prohibit the retailing of intoxicating liquors at or near Glennville, in Barbour county,                         | 171, 330                         |
| A bill to compensate James Griffin, for certain services,                                                                  | 171, 331                         |
| A bill for the relief of Charles R. Gibbs,                                                                                 | 189, 226, 235, 240, 360          |
| A bill to change the corporate limits of the Town of Greensboro', in the County of Greene,                                 | 207                              |
| A bill to alter and amend the laws incorporating the Town of Greensboro', in the county of Greene,                         | 253, 332, 359, 361               |
| A bill to authorize Adam Harrell, to build a fish trap on the Coosa river,                                                 | 42, 104, 113                     |
| A bill for the relief of Alfred Holly, tax collector for the county of Covington,                                          | 43, 100, 121                     |
| A bill to change in part the mode of drawing grand jurors in the counties of Henry, Dale and Coffee,                       | 48, 105, 119, 138, 183, 248, 269 |
| A bill authorizing the Commissioners of roads and revenue of the county of Henry, to raise a revenue for said county,      | 48, 105, 113, 137, 181, 199      |
| A bill to enable the citizens of the Town of Huntsville, to change the mode of electing a Town Constable,                  | 56, 63, 71                       |
| A bill to enable the people of Henry county to locate a seat of justice of said county,                                    | 56, 104, 132, 183, 248           |
| A bill in relation to hawkers and pedlers,                                                                                 | 57, 114                          |
| A bill for the relief of Joel Hurly and Nathan Waters, of Pike county,                                                     | 91, 237, 245, 270                |
| A bill to authorize Thomas Hollingsworth to establish a ferry on Coosa river, in Cherokee county,                          | 102, 246, 270, 360               |
| A bill to compensate William Hawn, Cashier of the Bank of the State of Alabama, for servant hire for the use of said Bank, | 109, 246, 270                    |
| A bill for the relief of Achsah Hogg,                                                                                      | 129, 155, 210, 301, 305, 316     |

## BILLS—House—(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                   | PROCEEDINGS.                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| A bill to amend an act entitled an act, to incorporate the Howard College in Marion, Perry county,                                                | 129, 209, 281, 295, 309          |
| A bill for the relief of Venus Hassel,                                                                                                            | 306, 360                         |
| A bill in regard to amending bills for injunctions,                                                                                               | 37, 99, 119, 138                 |
| A bill to amend an act to incorporate the town of Dayton,                                                                                         | 38, 99, 112, 137, 181, 199       |
| A bill to repeal in part an act in Clay's Digest, page 590, section 3,                                                                            | 105, 119, 189, 241               |
| A bill to incorporate the town of Jacksonville, in Benton County,                                                                                 | 56, 114, 124                     |
| A bill to incorporate the Trustees of the Bishop's Fund in the Diocese of Alabama,                                                                | 57, 113, 132, 262, 338, 541      |
| A bill to amend an act incorporating the Centenary Institute of the Alabama Annual Conference of the Methodist Episcopal Church in Dallas county, | 102, 113, 137, 180, 199          |
| A bill to establish the State Mutual Insurance Company,                                                                                           | 142, 191, 288, 356, 359          |
| A bill for the relief of Ann D. Irby of Lowndes county,                                                                                           | 218, 236, 333, 368, 361          |
| A bill for the relief of Alley C. James and her heirs,                                                                                            | 27, 35, 85, 94, 210, 216         |
| A bill to repeal in part and modify the existing laws requiring the Judges of the Circuit Courts of Alabama, to alternate,                        | 31, 40, 58, 95                   |
| A bill to provide for the payment of Jurors in a certain County therein named,                                                                    | 56, 114, 124, 138, 183, 248, 280 |
| A bill to run and mark the line between the counties of Jefferson and St. Clair,                                                                  | 57, 114                          |
| A bill to permit the Jackson county Guards to remain a body corporate, with a less number of privates than forty, and for other purposes,         | 72, 126, 209, 281, 295, 309      |
| A bill giving Justices of the Peace jurisdiction of assaults, batteries and affrays,                                                              | 115                              |
| A bill for the relief of Clement Joseph of Mobile county,                                                                                         | 116, 247, 270                    |
| A bill to regulate the payment of Jurors serving in Magistrates Courts,                                                                           | 197, 215                         |
| A bill for the relief of Arthur Johns,                                                                                                            | 296, 328, 361                    |
| A bill for the relief of Catharine Keho, of Mobile county,                                                                                        | 59, 113, 132, 210, 216           |
| A bill for the relief of James Lacy and Hetty Lowe, of Fayette county,                                                                            | 28, 35, 79, 107, 164, 216        |
| A bill to prevent litigation between Attorneys and their Clients, and to save the time and money of the country,                                  | 47, 106, 117                     |

## BILLS—House—(CONTINUED.)

## TITLE OF BILLS.

## PROCEEDINGS.

|                                                                                                                     |                                      |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| A bill to compensate Edward Lancaster for the improvement of Bear Creek in Baldwin County,                          | 70, 126, 135                         |
| A bill for the relief of Adam Love,                                                                                 | 97, 237, 244, 253, 261               |
| A bill to change the time of summoning Jurors for the county of Limestone,                                          | 115, 247, 271, 272, 293, 359         |
| A bill for the relief of Elizabeth A. Lea,                                                                          | 134, 308, 330, 361                   |
| A bill to change the time of the meeting of the Legislature,                                                        | 177                                  |
| A bill to authorize the Intendant and Council of the town of Livingston, in Sumter county, to sell useless streets, | 191, 331                             |
| A bill to authorize James Lamar to sell certain property therein named,                                             | 226, 301, 305, 316                   |
| A bill to fix the compensation of the Judge of the County Court of Lowndes county,                                  | 253, 271                             |
| A bill to perfect titles to a certain tract of land in Marengo county,                                              | 275, 331, 358                        |
| A bill to change the mode of taxing lands in this State,                                                            | 312                                  |
| A bill to attach a part of Camden to the Woodville beat in Jackson county,                                          | 35, 41, 58, 137, 181, 199            |
| A bill to create an additional Company Beat in the county of St. Clair,                                             | 38, 99, 106, 109, 137, 182, 213, 216 |
| A bill authorizing the formation of two Captains Companies in the county of Blount,                                 | 42, 104, 110, 136, 183, 209, 216     |
| A bill to authorize certain persons therein named to erect a mill dam,                                              | 44, 92, 124, 130                     |
| A bill to alter and amend the Militia law, so far as concerns the sixtieth Regiment. Alabama Militia,               | 47, 105, 113                         |
| A bill for the relief of Lucinda Merritt,                                                                           | 48, 105, 119, 138, 234, 269          |
| A bill to provide for the more permanent location of the Seat of Justice in the county of Marengo,                  | 56, 128                              |
| A bill to change the number of the Regiment of Alabama Militia, in Coffee county,                                   | 56, 114, 131, 359                    |
| A bill for the relief of Thomas E. Montgomery,                                                                      | 59, 114, 131, 234, 269               |
| A bill to establish a Medical Board in the Town of Siggsville, in the county of Clarke,                             | 63, 114, 136, 182, 213, 216          |
| A bill for the relief of John F. May,                                                                               | 63, 114, 122, 138, 182, 185, 199     |
| A bill for the relief of Britain McDaniel and Nancy Collins, of Fayette county,                                     | 65, 69, 128, 182, 185, 199           |
| A bill to increase the salary of the Judge of the County Court of Mobile county,                                    | 71, 128, 162, 228, 294, 316          |
| A bill to establish a Military Beat with a less number of privates than forty,                                      | 72, 125, 138, 183, 216               |
| A bill to authorize the establishment of a Medical College at Wetumpka,                                             | 72, 126, 127, 209, 273, 320, 316     |

**BILLS—HOUSE—(CONTINUED.)**

| TITLE OF BILLS.                                                                                                                                                | PROCEEDINGS.                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| A bill to divide the forty-eighth Regiment of Alabama Militia, -                                                                                               | 78, 197, 212, 273, 297, 309      |
| A bill to change the mode of assessing taxes in the county of Monroe, -                                                                                        | 78, 197, 217, 219, 236, 333, 360 |
| A bill to regulate Battalion Court Martials,                                                                                                                   | 83                               |
| A bill to authorize the Sheriff of Marion county to collect taxes, -                                                                                           | 102, 246, 271, 333, 338, 341     |
| A bill to incorporate the Mobile and Baldwin Manufacturing Company, -                                                                                          | 108, 124, 163, 281, 302, 316     |
| A bill to form an additional Militia Beat in the county of Montgomery, -                                                                                       | 119, 247, 270, 359               |
| A bill for the relief of Austin Murphree -                                                                                                                     | 142                              |
| A bill to exempt members of the Medical Board from military duty, -                                                                                            | 148                              |
| A bill to compensate the Commissioners of roads and revenue of the county of Macon, -                                                                          | 169, 210, 310, 304, 312          |
| A bill to impose restrictions on the City Council of the City of Montgomery, -                                                                                 | 169, 178, 181, 199               |
| A bill to incorporate the Montgomery Library,                                                                                                                  | 170, 331                         |
| A bill to legalize a certain marriage therein named, -                                                                                                         | 190, 212, 273, 301, 305, 316     |
| A bill to repeal an act therein named,                                                                                                                         | 207, 301, 305, 316               |
| A bill to legalize a certain marriage therein named, -                                                                                                         | 213, 226, 296, 316               |
| A bill to raise a revenue for the county of Marion, -                                                                                                          | 218, 236, 338, 341               |
| A bill to permit the Captains Company, Beat number four, eighteenth regiment Alabama Militia, to remain a company with a less number of privates than forty, - | 218, 273, 294, 309               |
| A bill to alter the organization of the Board of Commissioners of roads and revenue in the county of Mobile, -                                                 | 228, 261, 269, 360               |
| A bill to change the sittings of the spring term of the Circuit Court of Montgomery county, -                                                                  | 253, 270, 360                    |
| A bill for the relief of Rachael Musgrove, of Walker county, -                                                                                                 | 259, 332                         |
| A bill for the relief of Mary W. Martin, -                                                                                                                     | 275, 321, 361                    |
| A bill to change the line of Macon county,                                                                                                                     | 321, 361                         |
| A bill to change the name of John Miller to that of John Perrett, Jr. -                                                                                        | 47, 106, 119, 138, 182, 184, 199 |
| A bill for the relief of assignees of bonds and notes,                                                                                                         | 135, 194                         |
| A bill to prevent the hiring of negroes in certain cases, -                                                                                                    | 136, 175, 282                    |
| A bill for the apprehension, securing and safe keeping of runaway slaves, -                                                                                    | 178, 190                         |
| A bill to change the name of a certain person therein named,                                                                                                   | 228, 259                         |

## BILLS—HOUSE—(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                    | PROCEEDINGS.                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| A bill to enable the Cahawba Navigation Company, to collect their toll,                                                                            | 288                                 |
| A bill to abolish certain offices therein named,                                                                                                   | 83, 214                             |
| A bill authorizing the Judges of the Orphans' Court in this State to grant orders for the sale of real estate, in certain cases therein named,     | 84, 197, 231                        |
| A bill requiring returning officers to make returns in a specified time,                                                                           | 148                                 |
| A bill to extend the time of the County Court of Perry county,                                                                                     | 28, 32, 40, 70, 91, 103             |
| A bill requiring the Clerks of Pickens county, to keep reversed indexes in their books, &c.,                                                       | 28, 35, 72, 107, 137, 181, 199      |
| A bill for the relief of Richard Porter,                                                                                                           | 30, 40                              |
| A bill to exempt certain property from execution,                                                                                                  | 38, 62, 94, 106, 178, 179, 213, 234 |
| A bill to extend the time of holding the Circuit Court of Perry county,                                                                            | 38, 99, 221, 237, 296, 309          |
| A bill for the relief of George W. Ptomey,                                                                                                         | 39, 61, 106, 137, 180, 199          |
| A bill for the relief of the poor,                                                                                                                 | 47, 105, 204                        |
| A bill for the relief of Frederick Perquett, Perquett Aime, and Frederick Perquett, jr.,                                                           | 71, 126, 170, 195, 226              |
| A bill to extend the terms of the Circuit Courts of Pickens county, and to change the time of holding the Circuit Court of Sumter,                 | 78, 79, 197, 228, 294, 309          |
| A bill to establish monthly courts and jury trials in Justice's Courts, in the county of Pickens, and to regulate the proceedings therein,         | 84, 197                             |
| A bill to change the compensation of grand and petit jurors, in the county of Pike,                                                                | 90, 237, 244, 360                   |
| A bill for the benefit of the Pentala Van Guards,                                                                                                  | 96, 246, 270, 358                   |
| A bill to levy a special tax, in Pike county,                                                                                                      | 102, 246, 270, 358, 360             |
| A bill for the relief of Weeks Pippin, of Henry county,                                                                                            | 103, 246, 270                       |
| A bill to repeal the fourteenth chapter of the Penal Code,                                                                                         | 109                                 |
| A bill to exempt certain persons from patrol duty,                                                                                                 | 118                                 |
| A bill to repeal in part an act entitled an act, to attach a part of the county of Pickens to the county of Greene, approved, 14th February, 1843, | 136, 308                            |
| A bill to alter and amend the patrol law,                                                                                                          | 142                                 |
| A bill for the relief of William. Payne,                                                                                                           | 148, 195, 226, 301, 306, 316        |
| A bill to amend the Penal Code,                                                                                                                    | 154, 155, 282                       |
| A bill for the relief of Philip Phillips, Esq.                                                                                                     | 171, 210, 265, 297, 309             |
| A bill to incorporate the Town of Polkville, in the county of Benton,                                                                              | 177, 281, 304, 309                  |



## BILLS—HOUSE—(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                 | PROCEEDINGS.                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| A bill for the relief of the widow and heirs of William Pride, deceased;                                                                        | 178, 331, 357, 361                    |
| A bill to change the time of holding the County Court of Pickens county,                                                                        | 188, 217, 220, 238                    |
| A bill to compensate Benjamin A. Philpott, for certain services,                                                                                | 204, 237, 320, 333                    |
| A bill to prevent the removal of property bound by liens,                                                                                       | 208, 231                              |
| A bill for the relief of Robert Parker and Benjamin Harrison,                                                                                   | 213, 218, 236, 338, 341               |
| A bill to change the time of holding the Commissioners' court of roads and revenue, in Perry county, and for other purposes,                    | 218, 238, 294, 316                    |
| A bill for the relief of tales jurors, in Pickens county,                                                                                       | 246, 333, 338, 341                    |
| A bill to amend the laws in relation to pleading at common law,                                                                                 | 253                                   |
| A bill to change the winter term of the County Court of Pickens county,                                                                         | 253, 269                              |
| A bill providing for taxing of prosecutors with costs in malicious or frivolous prosecutions,                                                   | 274                                   |
| A bill for the relief of John Pruitt,                                                                                                           | 297, 332                              |
| A bill for the relief of James H. Rains, of Blount county,                                                                                      | 37, 112, 177                          |
| A bill for the support of paupers in the county of Randolph,                                                                                    | 38, 61, 132, 183, 280                 |
| A bill to define what is a reasonable inability to exempt persons from road duty,                                                               | 63, 114, 136                          |
| A bill to alter and amend the road laws,                                                                                                        | 63, 125, 157, 288                     |
| A bill to repeal in part an act taxing retailers, so as to reduce the same,                                                                     | 63                                    |
| A bill to regulate and equalize the tax on retailers of spirituous liquors in this State,                                                       | 64, 114, 121                          |
| A bill to provide for the payment of petit jurors in the county of Randolph,                                                                    | 64, 125, 138                          |
| A bill to compensate Joseph C. Rawls, sheriff of Tallapoosa county, for certain services therein mentioned,                                     | 72, 126, 176, 194, 269, 293, 358, 361 |
| A bill for the relief of Catharine Rogers, of Marshall county,                                                                                  | 96, 237, 244, 338, 341                |
| A bill to amend an act to raise a revenue for the State government,                                                                             | 108                                   |
| A bill to authorize the Judge of the County Court and Commissioners of roads and revenue of Randolph county, to levy and collect a special tax, | 109, 246, 271, 333, 340, 354          |
| A bill legitimating the children of John H. Ripier,                                                                                             | 135, 309, 361                         |

## BILLS—HOUSE—(CONTINUED.)

## TITLE OF BILLS.

## PROCEEDINGS.

|                                                                                                                                                                       |   |                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------|
| A bill to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State of Alabama,                                      | - | 146, 186, 288, 303, 312, 314, 315, 316, 317, 327, 335 |
| A bill for the relief of Martha Richardson, of Greene county,                                                                                                         | - | 161                                                   |
| A bill to incorporate the Robinson Institute for purposes of education, in Autauga county,                                                                            | - | 177, 288, 294, 301                                    |
| A bill to declare Drucilla Roberts, of Fayette county, a free dealer,                                                                                                 | - | 188, 212, 226, 301, 304, 311                          |
| A bill for the relief of sundry persons therein named,                                                                                                                | - | 205, 293, 321                                         |
| A bill to exempt the real and personal estate of the State Bank and Branches from taxation,                                                                           | - | 275, 361                                              |
| A bill to amend an act entitled an act to raise a revenue for the support of the State Government, and to maintain the faith and credit of the State of Alabama,      | - | 311, 312, 336, 337                                    |
| A bill to repeal a certain act therein named,                                                                                                                         | - | 321                                                   |
| A bill for the relief of securities,                                                                                                                                  | - | 27, 35, 58, 311                                       |
| A bill declaring Margaret Shogog a free dealer and for other purposes,                                                                                                | - | 27, 35, 59, 93, 183, 294, 301                         |
| A bill in relation to the payment of claims against the county of Sumter,                                                                                             | - | 32, 40, 61, 83, 85, 91, 101                           |
| A bill in relation to Sheriffs' sales,                                                                                                                                | - | 32, 40                                                |
| A bill in relation to the county tax of Sumter county,                                                                                                                | - | 38, 99, 111                                           |
| A bill to authorize the Commissioners of the Sixteenth Sections to qualify officers to hold elections to elect trustees for the several townships in this State, &c., | - | 43, 104, 231                                          |
| A bill for the relief of Mrs. Cassey Snead,                                                                                                                           | - | 49, 79, 107, 178, 213, 231                            |
| A bill for the relief of the purchasers of a certain Sixteenth Section, in the county of Barbour,                                                                     | - | 49, 62, 64, 105, 111, 124, 138, 156, 234, 273         |
| A bill for the relief of the purchasers of a certain sixteenth section,                                                                                               | - | 59                                                    |
| A bill to repeal in part and amend an act, entitled an act for the relief of purchasers of sixteenth sections,                                                        | - | 63                                                    |
| A bill to rescind a certain contract therein named,                                                                                                                   | - | 64, 150                                               |
| A bill for the relief of Vines Smith, of Coosa county,                                                                                                                | - | 70, 125, 162, 228, 295, 301, 311                      |
| A bill to amend the law in relation to retailers of spirituous liquors in the county of St. Clair, and for other purposes,                                            | - | 79, 197                                               |
| A bill to cancel a certain contract therein named,                                                                                                                    | - | 83, 125, 236, 241, 340, 354                           |

## BILLS—HOUSE—(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                                   | PROCEEDINGS.            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| A bill to prohibit the further sale of Sixteenth Section lands, - - -                                                                                             | 83                      |
| A bill to incorporate the Trustees of the Bethel Church and Seamen's Home, - - -                                                                                  | 109, 124, 262, 330, 354 |
| A bill in relation to Sixteenth Sections, - - -                                                                                                                   | 117, 330                |
| A bill to amend the laws in relation to trading with slaves, and for other purposes, - - -                                                                        | 124                     |
| A bill for the relief of Josiah Stanling, - - -                                                                                                                   | 128, 294, 319           |
| A bill to authorize the Governor to require the agent of the State to take possession of the Salt Reserve Lands in Clarke county, - - -                           | 134, 182, 209, 228, 241 |
| A bill to authorize the rescission of a contract for the sale of a part of a certain sixteenth section, in Russell county, - - -                                  | 135, 209                |
| A bill to amend the laws in relation to strays, - - -                                                                                                             | 135                     |
| A bill to prescribe the time, places and manner of choosing Senators to the Congress of the United States, - - -                                                  | 169, 190                |
| A bill to rescind a certain contract therein named, - - -                                                                                                         | 170, 331, 341, 361      |
| A bill to secure to the Clerks and other officers of Courts their fees in certain cases, in the county of Sumter, - - -                                           | 170, 183, 254           |
| A bill authorizing the rescission of a contract of the sale of a part of a certain sixteenth section in Russell county, - - -                                     | 183, 245, 331, 338, 341 |
| A bill to regulate the pay of jurors in the county of Sumter, - - -                                                                                               | 184, 331                |
| A bill to reduce the rate of salvage on bales of cotton, - - -                                                                                                    | 188, 282, 356, 359      |
| A bill to legalize certain sales therein named, - - -                                                                                                             | 207, 229, 244, 340, 354 |
| A bill to compel Sheriffs and Coroners to perform their official duties, - - -                                                                                    | 216                     |
| A bill to authorize the rescission of a sixteenth section contract, in the county of Lowndes, - - -                                                               | 218                     |
| A bill to define the mode of proceeding against Sheriffs, Coroners and their securities, - - -                                                                    | 253, 359                |
| A bill in relation to the rescission of a certain contract of purchase of a part of a sixteenth section, in township fifteen, range nine, in Benton county, - - - | 261, 332                |
| A bill to incorporate Salem Camp Ground, - - -                                                                                                                    | 275, 332, 357           |
| A bill for the relief of the purchasers of a certain sixteenth section in the county of Barbour, - - -                                                            | 293, 360                |
| A bill for the relief of Stephen Sparks, of Talladega county, - - -                                                                                               | 296                     |
| A bill to change the time of holding the Chancery Court of St. Clair and Randolph, - - -                                                                          | 328, 361                |

## BILLS—HOUSE—(CONTINUED.)

## TITLE OF BILLS.

## PROCEEDINGS.

|                                                                                                                                                              |                                                                               |               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------|
| A bill to extend the time of holding the Chancery Court of Sumter county,                                                                                    |                                                                               | 328, 343, 351 |
| A bill to amend the charter of the Town of Troy,                                                                                                             |                                                                               | 43, 104, 124  |
| A bill for the support of paupers in the county of Talladega,                                                                                                | 44, 99, 112, 137, 209, 216                                                    |               |
| A bill for the benefit of Elizabeth Tier,                                                                                                                    | 72, 128, 209, 281, 297, 309                                                   |               |
| A bill to permit the taking of testimony by deposition, in the counties of Monroe, Clarke and Washington, and reciprocally in the county and city of Mobile, | 75, 197, 212, 273, 297, 309                                                   |               |
| A bill to authorize the loan of five thousand dollars of the two per cent. fund, for the purpose of building a bridge over New river, in Fayette county,     |                                                                               |               |
| A bill for the relief of Mrs. Ann Delana Tarlton,                                                                                                            | 90, 237, 244                                                                  | 83            |
| A bill to appropriate the two per cent. fund,                                                                                                                | 91, 111, 121, 140, 141, 146, 147, 163, 171, 172, 173, 174, 303, 309, 333, 335 |               |
| A bill to repeal an act therein named. and to revive an act incorporating the Town of Talladega,                                                             |                                                                               | 97, 246       |
| A bill to prevent Tax Collectors from speculating in county claims,                                                                                          |                                                                               | 129, 155, 253 |
| A bill for the relief of the Tennessee Canal Commissioners,                                                                                                  |                                                                               | 129, 14       |
| A bill for the relief of Dory Ann B. Taylor, wife of Henry Taylor, of Talladega county,                                                                      | 130, 272, 294, 35                                                             |               |
| A bill to renew a turnpike road therein named,                                                                                                               |                                                                               | 130, 334      |
| A bill to reduce the toll on a certain turnpike road therein named,                                                                                          |                                                                               | 142, 33       |
| A bill authorizing the Governor of this State to ascertain and punish persons guilty of removing public property from the Tennessee Canal,                   |                                                                               | 148, 194      |
| A bill to alter the patrol law, in the county of Tallapoosa,                                                                                                 |                                                                               | 148, 331      |
| A bill to establish a Board of Physicians in the town Talladega,                                                                                             |                                                                               | 184, 331, 361 |
| A bill to repeal an act to incorporate the Town of Troy,                                                                                                     |                                                                               | 189           |
| A bill to provide for a special Tax in the county of Tuscaloosa,                                                                                             |                                                                               | 189, 330      |
| A bill to authorize William H. Tarrance, to establish a ferry across the Alabama river, and for other purposes,                                              | 213, 226, 301, 306, 335                                                       |               |
| A bill in relation to an examination, by a competent engineer, of Tallapoosa river,                                                                          |                                                                               | 221           |

## BILLS—SENATE—(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                                                                                              | PROCEEDINGS.                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| A bill to authorize the Judge of the County Court and Commissioners of Roads and Revenue for the County of Tuscaloosa, to sell certain property therein named,                                                               | 254, 360                         |
| A bill to change the time of holding the Circuit Court of Talladega county,                                                                                                                                                  | 305, 359                         |
| A bill to amend an act, incorporating Uniontown, in the county of Perry,                                                                                                                                                     | 57, 191, 273, 325, 339           |
| A bill to reduce the wages and mileage of the members of the Legislature,                                                                                                                                                    | 79, 132, 212, 259, 260, 328      |
| A bill to incorporate the Philomathic Society of the University of Alabama,                                                                                                                                                  | 109, 246, 271, 359               |
| A bill to incorporate the Town of Union, in Greene county,                                                                                                                                                                   | 110, 246, 269, 333, 344, 354     |
| A bill to regulate the compensation of witnesses,                                                                                                                                                                            | 27, 35, 58, 106                  |
| A bill to compel the Judge of the County Court of Walker county to reside within eight miles of the County seat thereof,                                                                                                     | 38, 99, 112                      |
| A bill to emancipate slave William,                                                                                                                                                                                          | 44, 100, 104, 113, 137, 181, 199 |
| A bill to regulate the rights and liabilities of husband and wife in regard to property,                                                                                                                                     | 63, 106, 186, 288, 326           |
| A bill in relation to the standard of weights and measures,                                                                                                                                                                  | 64, 125, 138, 183, 185, 199      |
| A bill for the payment of State Witnesses,                                                                                                                                                                                   | 78, 197, 229                     |
| A bill to confer upon the Courts of Chancery power to make married women free dealers in certain cases,                                                                                                                      | 78, 157                          |
| A bill for the relief of John R. Ware and Lawson Williford,                                                                                                                                                                  | 79, 109, 132, 183, 241           |
| A bill making the libelling or slandering of females an indictable offence,                                                                                                                                                  | 83, 197, 230                     |
| A bill to regulate the residence of the Judge of the County Court of Washington county,                                                                                                                                      | 90, 237, 244, 338, 341           |
| A bill to repeal an act entitled and act, to alter and define the northern boundary line of East Wetumpka,                                                                                                                   | 97, 246, 269, 360                |
| A bill to provide for the payment of witnesses in in State cases in which the State fails in the prosecution,                                                                                                                | 102                              |
| A bill for the relief of Tales Jurors in Wilcox county,                                                                                                                                                                      | 102                              |
| A bill to change the manner of summoning jurors in Walker county,                                                                                                                                                            | 103, 246, 359                    |
| A bill to authorize the Judge of the County Court of Dallas county, to permit Robert J. Ware, a administrator of the estate of Thomas D. White, deceased, to sell the real estate of said intestate, and for other purposes, | 118, 128, 130                    |

## BILLS—HOUSE—(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                                 | PROCEEDINGS.                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| A bill to prevent persons in this State from burning the wood at certain seasons, - -                                                                           | 148                          |
| A bill to authorize the erection of a toll bridge or public ferry across Will's Creek, and for other purposes, - -                                              | 170, 320, 333                |
| A bill for the relief of Richard Wilkins tax collector of Pickens county, - -                                                                                   | 178                          |
| A bill to prevent the cutting and carrying off of steamboat or fire wood of any kind -                                                                          | 187, 343                     |
| A bill to amend an act to incorporate the town of Warsaw in Sumter county, -                                                                                    | 208, 332                     |
| A bill to authorize Edmund Wiggins, to erect a toll bridge over Pea river, in Coffee county, at Geneva, - -                                                     | 213, 226, 270, 301, 306, 335 |
| A bill to authorize Edmund Wiggins to erect a toll bridge on Choctawhatchee river, in Coffee county, at Geneva, - -                                             | 228, 360                     |
| A bill to prevent the change of venue in certain cases, - - -                                                                                                   | 102                          |
| A bill to authorize James M. Vaughan, executor of the estate of Benjamin Metcalf, deceased, to sell the real estate belonging to the estate of said decedent, - | 147, 194, 211                |

## BILLS—(WHICH ORIGINATED IN THE SENATE.)

| TITLE OF BILLS.                                                                                                                                   | PROCEEDINGS.                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| A bill to confer power on the Clerks of the Circuit and County Courts, to issue attachments, -                                                    | 136, 340, 357                     |
| A bill to amend the laws in relation to attachments, -                                                                                            | 180, 195, 198, 336                |
| A bill making appropriations for the payment of certain claims against the State, -                                                               | 227, 254, 339, 357                |
| A bill for the relief of Elizabeth D. Anderson, -                                                                                                 | 257, 296, 308, 330                |
| A bill to amend an act to incorporate the Alabama, Florida and Georgia Rail Road Company, -                                                       | 272                               |
| A bill to apportion the Representation to the several counties in this State, and to divide the State into Senatorial districts, -                | 295, 323, 324, 325, 327, 334, 356 |
| A bill to regulate admiralty proceedings, and other water crafts, navigating the inland waters of the State of Alabama, -                         | 358                               |
| A bill to appoint Will E. Bird escheator, for the county of Dallas, -                                                                             | 137, 181, 306, 329, 356           |
| A bill to place the Bank of the State of Alabama in liquidation and to provide for the final settlement of its affairs, and for other purposes, - | 152, 153, 163                     |

**BILLS—SENATE—(CONTINUED.)**

| TITLE OF BILLS.                                                                                                                                     | PROCEEDINGS.               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| A bill to compensate L. D. Brandon for certain services therein named, -                                                                            | 164, 181, 306, 329         |
| A bill to enable the Branch Bank at Mobile to redeem the lands of John B. Hogan, -                                                                  | 180, 214, 226              |
| A bill to compensate D. Lyman Beecher for certain services therein named, -                                                                         | 180, 306, 329              |
| A bill to amend an act for the support of Paupers in Butler county, -                                                                               | 181, 306, 329              |
| A bill to amend the laws heretofore enacted for the final settlement of the affairs of the Planter's and Merchant's Bank of Mobile, -               | 182, 282, 294, 335         |
| A bill to vest in Ruthy L. Brown, wife of David Brown, of Tuscaloosa county, certain rights and privileges therein named, and for other purposes, - | 188, 263                   |
| A bill regulating the collection of Bank debts, -                                                                                                   | 218                        |
| A bill to authorize the Bank Marshals to execute all process now in their hands, -                                                                  | 358                        |
| A bill to compel Bank Marshals, &c. to pay over moneys in their hands, -                                                                            | 358                        |
| A bill to define the compensation of Jurors and Witnesses in the county of Chambers, and for other purposes, -                                      | 77, 78, 227, 236           |
| A bill for the relief of Sally Clopton, -                                                                                                           | 77, 78, 227, 259, 301, 319 |
| A bill to provide for the support of paupers in the county of Chambers, -                                                                           | 83, 84, 245, 271, 301, 319 |
| A bill declaring Cedar Creek a public highway, -                                                                                                    | 33, 339, 356               |
| A bill to extend the time for the removal of certain slaves emancipated by the decree of the County Court of Clarke county, -                       | 107, 116, 305              |
| A bill to incorporate the Coosa Manufacturing Company, -                                                                                            | 130, 306, 329              |
| A bill to amend the Chancery System of this State, -                                                                                                | 164, 181, 356              |
| A bill for the relief of Thomas G. A. Cox, -                                                                                                        | 188, 263, 302, 330         |
| A bill for the relief of Mrs. Mahulda Childress, -                                                                                                  | 188, 263, 307, 329         |
| A bill more effectually to secure the collecting of debts against corporations, -                                                                   | 188, 263, 356              |
| A bill to amend the laws in relation to contracts in certain cases, -                                                                               | 188, 263, 356              |
| A bill to compensate the President of the State Bank for extra services, -                                                                          | 213, 263, 302, 319         |
| A bill to authorize Edward Cunningham to be and remain in the State of Alabama, -                                                                   | 213, 263                   |
| A bill to enable the President and Directors of the Dayton Literary Association, to confer degrees, &c. -                                           | 77, 78, 227, 236           |

## BILLS--SENATE--(CONTINUED.)

## TITLES OF BILLS.

## PROCEEDINGS.

|                                                                                                                                                      |                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| A bill to authorize the erection of Mill Dams across Big Wils' Creek and its tributaries, in De Kalb county,                                         | 83, 85, 215, 269, 271        |
| A bill to repeal in part an act therein named, as to De Kalb county,                                                                                 | 92, 93, 245, 261             |
| A bill to regulate damages upon appeals and writs of error,                                                                                          | 180, 340                     |
| A bill to amend the several laws now in force incorporating to town of Demopolis in Morgan county,                                                   | 213, 263, 307, 328           |
| A bill explanatory of an act approved February thirteenth eighteen hundred and forty-three, for the relief of Adeline R. Devreux,                    | 227, 319, 331                |
| A bill to authorize the commissioners of the town of Dadeville, to dispose of the unsold lots of said town,                                          | 273, 318, 332, 356           |
| A bill for the relief of Silas C. Dumas, of Wilcox county,                                                                                           | 280                          |
| A bill for the relief of Joel Durham,                                                                                                                | 295, 307, 319                |
| A bill to prevent the Judges of the Circuit and County Courts from giving and signing bills of exception in vacation,                                | 47, 62 94, 104               |
| A bill to regulate the effect of sales under the decrees of the Court of Equity in certain cases,                                                    | 108, 116, 339, 336           |
| A bill to amend an act incorporating the town of Etaw, in the County of Greene,                                                                      | 108, 117, 247, 271, 301, 327 |
| A bill for the relief of William Erwin, of Perry county,                                                                                             | 182, 294, 307, 328           |
| A bill to regulate the duties of executors and administrators in certain cases,                                                                      | 291                          |
| A bill to incorporate the Florence Fire Engine Company,                                                                                              | 181, 306, 329                |
| A bill to change the time of holding the February term of the County Court of Franklin county,                                                       | 186, 187                     |
| A bill to authorize guardians of minors, idiots and lunatics, to receive and remove from this State any property to which said ward may be entitled, | 83, 84, 339, 356             |
| A bill to attach a part of township nineteen, range five, east, in the county of Greene, to Perry,                                                   | 115, 130, 180, 211, 214      |
| A bill to change the time of holding the Chancery Court of Greene County,                                                                            | 164                          |
| A bill to incorporate the Girard Rail Road Company,                                                                                                  | 212, 263, 307, 329, 344      |
| A bill for the relief of Sarah Greer, of Wilcox county,                                                                                              | 227, 295, 327                |
| A bill to change the time of holding the County Court of Greene county,                                                                              | 262, 319                     |



**BILLS—SENATE—(CONTINUED.)**

| TITLE OF BILLS.                                                                                                                                     | PROCEEDINGS.            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| A bill to authorize Eli E. Gauthier to erect a mill on the west bank of the Coosa river,                                                            | 280, 319, 332, 338      |
| A bill to authorize the receiving of all legal claims against the counties of Henry and Dale and Coffee, in payment of County Taxes,                | 83, 85, 245, 270        |
| A bill to regulate the pay of Petit Jurors in Henry, Dale, Coffee and Covington counties,                                                           | 107, 116, 305           |
| A bill to change the name of Benjamin D. Horton, of Madison county,                                                                                 | 136, 181, 306, 329      |
| A bill for the relief of Doctor Augustus C. Hawkins,                                                                                                | 338, 358                |
| A bill to compensate jurors summoned to try contested wills,                                                                                        | 164, 262                |
| A bill for the relief of Aquilla Jones, of Blount county,                                                                                           | 180, 307, 327           |
| A bill to authorize the Judge of the County Court of Jackson county and Commissioners of Roads and Revenue to perform certain duties therein named, | 212, 263, 307, 328      |
| A bill for the relief of John Kirksey and Robert P. W. Kirksey,                                                                                     | 182, 295, 307, 330      |
| A bill for the relief of Mary J. Kellum,                                                                                                            | 237, 296, 308, 330      |
| A bill to amend an act entitled an act to incorporate Lafayette, in Chambers county,                                                                | 164, 181, 328           |
| A bill to authorize a sale of a portion of Lafayette street, in the town of Lafayette, in Chambers county.                                          | 218, 296, 307, 308, 330 |
| A bill to change the time of holding the Circuit Court of Limestone county,                                                                         | 218, 295, 307, 329      |
| A bill for the relief of mortgagees, and for other purposes,                                                                                        | 92, 93, 339             |
| A bill to provide for the more permanent location of the Seat of Justice, in Marengo county,                                                        | 128, 216                |
| A bill for the relief of Jacob S. Marsh,                                                                                                            | 136, 181, 306, 329      |
| A bill to lay out and open a certain Road in Monroe county,                                                                                         | 182, 295, 307, 330      |
| A bill for the better organization of so much of the Fourth Division, A. M., as lies within the City of Mobile,                                     | 212, 263, 307, 328      |
| A bill to attach a part of the county of Monroe to the county of Clarke,                                                                            | 280, 318, 332           |
| A bill to alter and amend the military law of this State,                                                                                           | 280                     |
| A bill to change the time of holding the County Court of Macon county,                                                                              | 296, 327                |
| A bill to authorize the Governor to settle with the President, Directors and Company of the Bank of Mobile, the interest due them from the State.   | 301, 341                |

## BILLS—SENATE—(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                                                                                                 | PROCEEDINGS.<br>318               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| A bill to attach a part of Monroe to Wilcox county,                                                                                                                                                                             |                                   |
| A bill to change the name of a certain person therein named, and for other purposes,                                                                                                                                            | 136, 181, 306, 329                |
| A bill giving the Orphans' Court in this State jurisdiction to compel the administrator or executor of a deceased executor, administrator or guardian, to settle the accounts of his testator or intestate, as the case may be, | 120, 130, 339, 356                |
| A bill for the relief of Elizabeth Oats, of Henry county,                                                                                                                                                                       | 213, 263, 307, 329                |
| A bill to amend the law on the subject of the trial of the right of property,                                                                                                                                                   | 115, 262                          |
| A bill to provide for the payment of inquests held upon deceased convicts in the Penitentiary,                                                                                                                                  | 180, 356                          |
| A bill for the relief of Philip Phillips, Esq.                                                                                                                                                                                  | 188, 262                          |
| A bill for the better government of the State Penitentiary,                                                                                                                                                                     | 227, 342                          |
| A bill to in relation to road duties,                                                                                                                                                                                           | 77, 78                            |
| A bill to exempt executors from giving bond and security for the faithful performance of their duties, with certain provisos,                                                                                                   | 107, 116, 339, 342                |
| A bill for the relief of Mary Roman,                                                                                                                                                                                            | 120, 130, 305, 330                |
| A bill to amend the law authorizing the payment of rewards for the apprehension of fugitives from justice,                                                                                                                      | 120, 130, 346                     |
| A bill for the relief Eliza Ann Rossiter,                                                                                                                                                                                       | 180, 306, 329                     |
| A bill for the relief of Martha Richardson, of Greene county,                                                                                                                                                                   | 188, 263, 307, 329, 331           |
| A bill to amend the road laws,                                                                                                                                                                                                  | 218, 339                          |
| A bill to assess and collect a tax for the county of Russell,                                                                                                                                                                   | 280, 319, 332, 338                |
| A bill to compensate Levi Robbins,                                                                                                                                                                                              | 332, 356                          |
| A bill for the relief Bartholomew S. Skeats,                                                                                                                                                                                    | 83, 84, 245, 294                  |
| A bill to prevent suits from being brought in the names of other person or persons, without his, her or their consent,                                                                                                          | 107, 116, 339, 356                |
| A bill authorizing the Commissioners of the sixteenth section, township thirteen, range one, west, in the Demopolis land district, to rescind a contract therein named,                                                         | 129, 130, 305, 320                |
| A bill for the relief of the citizens of township sixteen, range nine, east, in Benton county,                                                                                                                                  | 164, 262                          |
| A bill to regulate the compensation to the Secretary of State for certain services therein mentioned,                                                                                                                           | 164, 264, 342                     |
| A bill to provide for the withdrawal and reinvestment of the sixteenth section fund,                                                                                                                                            | 180, 230, 288, 289, 290, 291, 292 |

## BILLS—SENATE—(CONTINUED.)

| TITLE OF BILLS.                                                                                                                                                                                                         | PROCEEDINGS.            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| A bill to reduce the fees of the Clerk of the Supreme Court, - - -                                                                                                                                                      | 180, 328, 360, 343, 344 |
| A bill requiring certain duties therein described to be performed by the Secretary of State, -                                                                                                                          | 181, 357                |
| A bill to regulate Sheriff's and Coroners sales in certain counties, - -                                                                                                                                                | 182, 318, 338           |
| A bill for the relief of Moses W. Simmons, of Talladega county, - -                                                                                                                                                     | 188, 262, 307           |
| A bill for the relief of Louisa Sharpe, of Macon county, - -                                                                                                                                                            | 218, 296, 308, 330      |
| A bill for the relief of certain purchasers of sixteenth section lands, and for other purposes, -                                                                                                                       | 227, 295, 308           |
| A bill for the relief of Jack Shackelford, -                                                                                                                                                                            | 251, 296, 307, 327      |
| A bill to authorize the acting officers of the Selma Rangers to execute a bond for a portion of the arms of the State and for other purposes, -                                                                         | 272, 318, 332, 356      |
| A bill to rescind a certain contract therein named, -                                                                                                                                                                   | 332, 343                |
| A bill for the relief of Laura Slade, -                                                                                                                                                                                 | 358                     |
| A bill for the relief of Robert Terry, -                                                                                                                                                                                | 126, 181, 306           |
| A bill for the relief of Darwin S. P. Thompson, tax collector of Marengo county, -                                                                                                                                      | 136, 181, 356           |
| A bill for the relief of Mary Ann Delana Tarleton, -                                                                                                                                                                    | 179, 306, 320           |
| A bill to provide for the benefit of Elizabeth H. Thorpe, -                                                                                                                                                             | 212, 295, 307, 330      |
| A bill to enable John L. Towns, guardian of the minor heirs of Joseph Compton, deceased, late of the county of Franklin, to purchase lands for the use and benefit of said minor heirs, -                               | 213, 263                |
| A bill to amend the charter of the City of Tuscaloosa, -                                                                                                                                                                | 280, 318, 355           |
| A bill to limit the time of holding the County Court of Tuscaloosa county, -                                                                                                                                            | 281, 318, 332, 356      |
| A bill to authorize Louis Wyeth, executor of the last will and testament of John Allen, deceased, to pay over the distributive share of Laura Allen, minor child of said decedent, to David A. Smith, her guardian, - - | 70, 227, 236            |
| A bill to compensate Tales Jurors, in Wilcox county, - -                                                                                                                                                                | 97, 245, 270            |
| A bill to authorize the Judge of the County Court of Wilcox county and Commissioners of Roads and Revenue in said county, to lay a county tax not exceeding fifty per cent. on the State tax, -                         | 97, 245, 270, 301       |
| A bill for the relief of married women, -                                                                                                                                                                               | 129, 130, 340           |
| A bill to divide the County of Walker into two regiments, - - -                                                                                                                                                         | 137, 181, 306, 330      |

## BILLS—SENATE—(CONTINUED)

| TITLE OF BILLS.                                                                                                                                | PROCEEDINGS.       |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| A bill for the relief of Elizabeth Waldron,                                                                                                    | 181, 306, 329      |
| A bill for the relief of James Ward, of Henry county,                                                                                          | 199, 263, 307, 329 |
| A bill to change the time of holding the County courts of Washington and Macon counties,                                                       | 219, 220, 225      |
| A bill to explain an act for the relief of Thomas J. Zimmerman and William O. Pullen, passe fourth February, eighteen hundred and forty three, | 137, 181, 306, 329 |
| A bill for the relief of Caroline M. Youngblood,                                                                                               | 180, 306, 329      |
| A bill to revive an act to incorporate the town of Yorkville, in the County of Pickens,                                                        | 237, 296, 308, 330 |

**BOWDON, F. W.**—introduced bills, 43, 170, 181, 296, 305, 328, 335—offered resolutions, 54, 91, 127, 247—presented memorial to Congress, 131—petitions, 28, 43, 84.

Motions made by, to amend bills, 141, 142, 146, 265, 286, 307—to amend resolutions, 117, 195—to postpone resolutions to a day certain, 89, 91—to reconsider the vote of the House, 253—miscellaneous, 111, 244

**BRANDON, WILLIAM**—introduced bill, 148—presented petitions 31, 119, 188, 218—offered resolutions, 95, 136.

Motions made by, to amend bills, 268, 316—to refer, 118.

**BUNTING, R. C.**—introduced bills 31, 119, 130—offered resolutions, 92—presented petitions, 49, 57, 78.

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**CHANDLER DANIEL**—introduced bills, 28, 43, 57, 71, 109, 135, 207—offered resolutions, 111, 146—presented petitions, 115, 188—accounts, 135.

Motions made by, to amend bills, 172, 222, 224, 242, 268, 276, 278, 297, 310, 313.

**CLARKE, T. J.**—introduced bill, 84.

**CLAY, C. C.**—introduced bills, 216, 217, 253—offered resolutions, 6, 40—presented petitions, 8, 57, 109—accounts, 57.

Motions made by, to amend bills, 311—to lay amendments on the table, 58—for the previous question, 46.

**CLEMENS, JEREMIAH**—introduced bills, 78, 118, 123, 129, 148, 275—offered resolutions, 7, 73, 115, 335—presented petitions, 38, 118.

Motions made by, to amend bills, 106, 149, 224—to amend resolutions 65, 196—to lay bills on the table, 79, 155, 204, 210—to lay amendments on the table 140, 198, 224—to postpone indefinitely, 121, 210, 303—to postpone to a day certain 69, 281—for a call of the House 112—for the previous question, 74, 141—to reconsider vote of the House, 153—to refer, 111—to concur, 266—miscellaneous 111, 153, 231.

**COBB, W. R. W**—introduced bills, 43, 312—presented petition, 31, 134.

Motions made by, to amend bills, 104, 186—to postpone bill indefinitely, 332—miscellaneous 303.

**COOK, E. H.**—introduced bills, 83—resolutions, 80, 119.

Motions made by, to amend bills, 181, 271—to postpone resolutions to a day certain, 61.

**COOPER, T. B.**—introduced bills, 27, 70, 83, 128, 208—presented petitions, 115, 125, 134, 274—accounts, 124—memorial to Congress, 226.

Motions made by, to amend bills, 155, 212, 293, 320—to lay bills on the table, 5—to lay amendments on the table, 147, 153, 298—to amend resolutions, 74—to postpone indefinitely, 270—to reconsider vote of the House 266—to refer, 125—miscellaneous, 179, 293.

**CROOM, ISAAC**—introduced bills, 78, 123, 142, 213, 253—offered resolutions, 80—presented petitions, 131, 177, 253.

Motions made by, to amend bills, 222—to lay amendments on the table, 32—to refer, 109.

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- JONES, LEWIS D.**—introduced bills, 47, 56, 99, 131, 177, 261—offered resolutions, 80, 92—presented petitions, 37.  
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- JONES, AQUILLA**—introduced bills 37, 63.  
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**LEA, C. W.**—introduced bills, 28, 57, 218—offered resolutions, 40, 24—presented petitions, 30.  
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**MIREE, W. S.**—introduced bills, 38, 129, 253—offered resolutions, 7—presented petitions, 57, 123, 129—accounts, 259.

**MERRICK, JOHN**—introduced bills, 31, 37, 43, 48, 56, 70, 129, 134, 188, 213, 228—presented petitions, 177.

**MITCHELL, P. H.**—introduced bills, 187—offered resolution, 86—presented petitions, 37, 128—allowed to record his vote, 237.

**MITCHELL, JABEZ**—introduced bills, 109, 193—presented petitions, 109, 116.

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**MORRISETT, JOHN**—introduced bills, 49, 115—offered resolution, 55,—presented petitions, 49—accounts, 63.

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**MUDD, WILLIAM S.**—introduced bill, 148—offered resolutions, 29, 297—presented accounts, 134.

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**PATTON, W. S.**—introduced bills, 32, 38, 57, 96, 148, 184—offered resolutions, 42—presented petitions, 38, 170, 184.

**PERRIN, G. G.**—introduced bills, 108, 169—presented accounts 118.

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**PHILLIPS, P.**—introduced bill, 84, 115, 142, 208, 228—offered resolutions, 8, 33, 54, 184, 202—presented petitions, 28, 83, 96, 135, 142.

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ROSE, HOWELL—introduced bills, 42, 70, 187, 207—offered resolution, 235—presented petitions, 27, 129—accounts, 63, 84.

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**SCOTT, N. J.**—introduced bills, 38, 169—presented petitions, 43, 123, 177.

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**SEAWELL, JOSEPH**—introduced bills, 78, 207—presented petitions, 31, 38, 115—accounts, 90.

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**SMITH, HENRY D.**—introduced bills, 135—offered resolutions, 46, 49, 274—presented petitions, 95, 135, 274—accounts, 123.

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**SMITH, W. M.**—introduced bills, 28, 102, 108, 109, 123—presented accounts, 71.

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**SNOWDEN, G. A.**—introduced bills, 42, 43, 47, 48, 56, 129, 134, 187.

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**SPEIGHT, M. K.**—introduced bills, 48, 56—presented petitions, 56—

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**STEELE, JOHN**—introduced bills, 213, 228—offered resolution, 40—obtained leave of absence, 127.

**STITH, HENRY**—introduced bills, 63, 78, 136, 188, 253, 254—offered resolutions, 102, 131—presented petition, 207.

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**TREADWELL, B. F.**—introduced bills, 135, 208—presented accounts, 165.

**VINSON, F. C.**—obtained leave of absence, 162.

**WALKER, L. P.**—introduced bills, 37, 83, 123, 135, 297, 335—offered resolution, 33—presented petitions, 71, 123, 134, 218—accounts, 78.

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**WATTS, T. H.**—introduced bills, 47, 78, 148, 208—offered resolutions 51—presented petition, 187.

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**WATTS, C. B.**—introduced bills, 63, 108.

**WEBB, R. B.**—introduced bills, 56, 225—offered resolution, 349—presented petition, 188.

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**WILLIAMS, JAMES**—introduced bill, 108—presented account, 177

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**WILLIAMS, THOMAS Jr.**—introduced bills, 129, 169, 170, 253, 300—presented petitions, 84—offered resolution, 92, 93, 104, 206.

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**WINSTON, W. O.**—introduced bills, 30, 228—offered resolutions, 258, 277—presented petition, 27.

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WOODWARD, W.—introduced bill, 328—offered resolutions, 66.—presented petition, 207—moved to take from the orders of the day, 183.

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